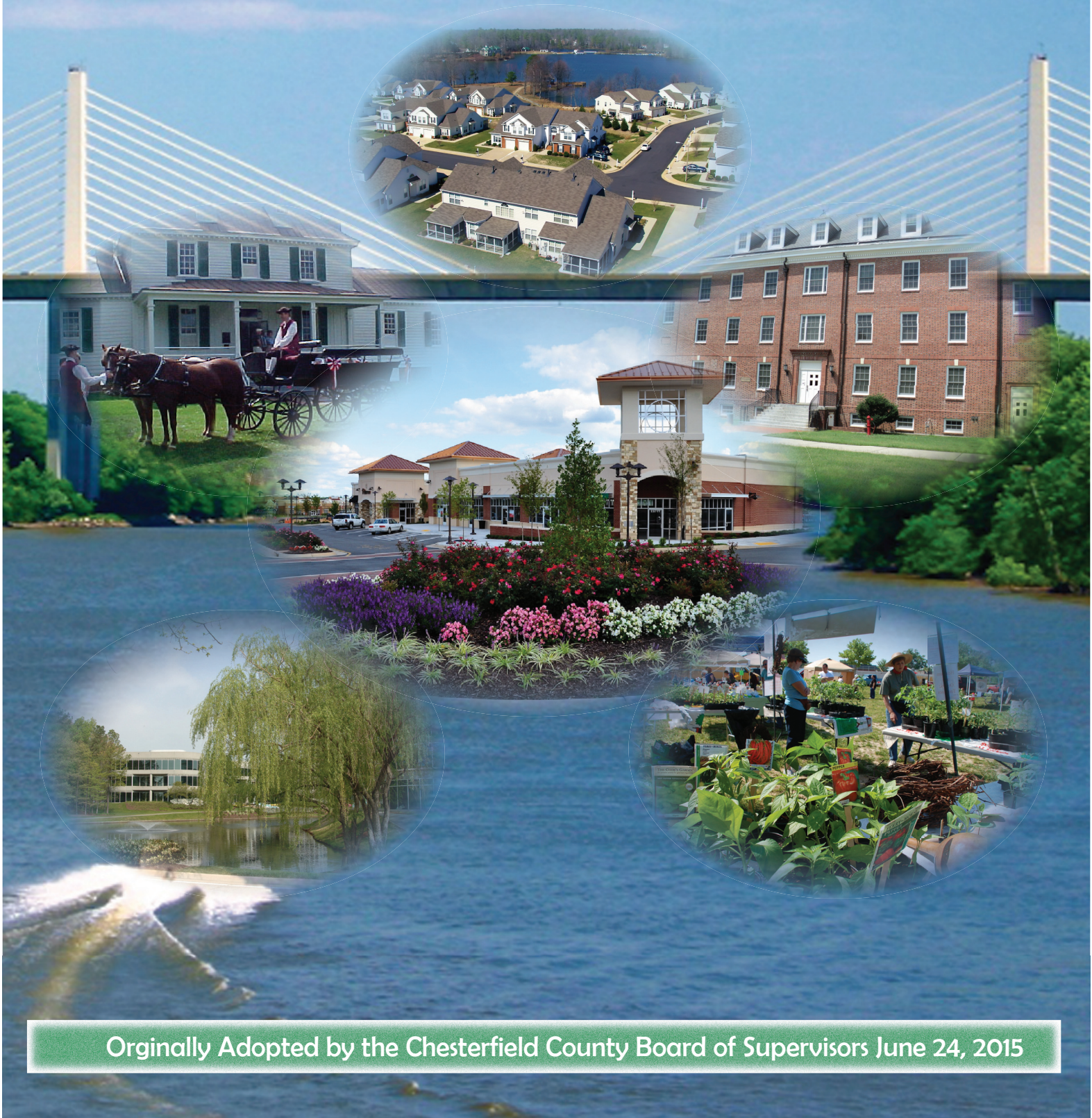


Zoning Ordinance For Chesterfield County

Implementation Tool For *Moving Forward...*
The Comprehensive Plan For Chesterfield County



Originally Adopted by the Chesterfield County Board of Supervisors June 24, 2015

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Chapter 19.1

ZONING

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ARTICLE I. GENERAL PROVISIONS

PURPOSE, INTERPRETATION, CONFORMITY AND ENFORCEMENT

Sec. 19.1-1. Purpose and Interpretation of Chapter.

A. **Purpose.** The purpose of this chapter is to promote the health, safety, convenience and general welfare of the public and to accomplish the objectives of the Code of Virginia. This chapter is designed to:

- provide for adequate light, air, convenience of access, and safety from fire, flood, failure of impounding structures, crime and other dangers or conditions;
- reduce or prevent congestion in the public streets;
- facilitate the creation of a convenient, attractive and harmonious community;
- facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, wastewater, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- protect against destruction of, or encroachment upon, historic areas;
- protect against overcrowding of land, undue density of population in relation to community facilities, obstruction of light and air, danger and congestion in travel and transportation, and loss of life, health, or property from fire, flood, panic or other dangers or conditions;
- encourage economic development that provides desirable employment and enlarges the tax base;
- provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
- protect surface and ground-water;
- promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the county as well as a reasonable proportion of the current and future needs of the planning districts within which the county is situated;
- provide reasonable protection against encroachment upon licensed public-use airports, as well as military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; and

- provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws as applicable. If a request for a reasonable modification is made that is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted unless a variance is required in order for such request to be granted.

B. **Interpretation.** The director of planning shall interpret this chapter based upon the following criteria:

1. Provisions shall be considered the minimum required to promote the public health, safety, convenience, morals and general welfare;
2. Unless otherwise specified, the standards of this chapter are the minimum required;
3. When regulations of this chapter conflict with each other, other chapters of the county code, or state or federal law, the more restrictive regulations or those that impose higher standards shall govern;
4. This chapter does not abolish easements, covenants or other private agreements, however where this chapter's requirements are more restrictive or impose higher standards, this chapter's requirements shall govern;
5. A building, structure or use which was not legally existing on June 24, 2015 shall not be made lawful solely by adoption of this chapter;
6. Where this chapter's requirements are vague or unclear, the director of planning shall be responsible for their interpretation; and
7. Properties which had their zoning classifications changed by an ordinance adopted January 12, 1994, shall be subject to the requirements of this chapter, except as follows:
 - a. The following land use decisions made between January 1, 1973 and January 12, 1994 shall remain in effect:
 - Variances, except that, to the extent that a change in zoning classification adopted on January 12, 1994 rendered a previous variance decision unnecessary, then the standards of this chapter shall apply;
 - Conditional uses;
 - Conditional use planned developments;
 - Special exceptions; and
 - Manufactured home permits.
 - b. Conditions imposed or accepted as part of the following land use decisions made between January 1, 1973 and January 12, 1994, and further sign conditions imposed or accepted as part of the following land use decisions made between January 13, 1994 and November 9,

1994, shall remain in effect. However, if there is a conflict between conditions imposed through those land use decisions and this chapter, the conditions shall apply. If there is no condition that addresses a specific use or development standard of this chapter, the use and development standards of this chapter shall apply.

- Rezonings;
- Variances, except that to the extent that a change in zoning classification adopted on January 12, 1994 rendered a previous variance decision unnecessary, then the standards of this chapter shall apply;
- Conditional uses;
- Conditional use planned developments;
- Special exceptions; and
- Manufactured home permits.

C. **Figures Contained in Chapter.** Figures are provided for demonstrative purposes only and are not a substantive part of the ordinance.

(Ord. of 12-12-18)

Sec. 19.1-2. Conformity with Chapter Required.

Except as otherwise provided in this chapter or as modified through a zoning or development approval, land, buildings, structures or premises shall only be used, and buildings shall only be erected or altered in conformity with this chapter's regulations.

Sec. 19.1-3. Nonconforming Uses, Buildings and Structures--Excluding Signs.

- A. **Generally.** Except as otherwise provided in this chapter, any lawful use, building or structure existing at the time of an amendment of this chapter may be continued even though such use, building or structure may not conform to this chapter's provisions and shall be deemed nonconforming. A change in occupancy or ownership shall not affect the right for the use to continue or the building or structure to remain. A building permit, conditional use or special exception lawfully granted before June 24, 2015 shall not be affected by this provision.
- B. **Enlargement, Extension, Reconstruction, Substitution or Structural Alteration of Nonconforming Use.** Except where otherwise provided, a nonconforming use, building or structure shall not be enlarged, extended, reconstructed, substituted or structurally altered except when required by law or lawful order or as follows:
1. The use is changed to a use permitted in the district in which it is located;
 2. A nonconforming use may be extended throughout any part of a building or structure which was arranged or designed for the use on or before June 24, 2015, provided there are no structural alterations, expansion or enlargement except those required by law or lawful order;
 3. A building or structure that is conforming as to use, but is nonconforming as to the requirements of this chapter, including floor area, lot, yard, road frontage, distance, parking, loading spaces, fences, signs or height requirements may only be enlarged or structurally altered if the alteration or enlargement complies with this chapter;

4. A nonconforming use which has ceased for more than 2 years shall not again be used for a nonconforming use;
5. A nonconforming use may be changed to another use permitted within the same zoning district where the nonconforming use is first permitted or to a use first permitted in a less intense zoning district; however, if the use is changed to one which is first permitted in a less intense zoning district, it shall not later be changed back to a use that is first permitted in the more intense district; and
6. Additionally, a nonconforming building or structure shall include those circumstances where the county has:
 - issued a building permit or other permit authorizing construction and the building or structure was constructed in accordance with the building permit, and upon completion, the County issued a certificate of occupancy; or
 - the owner of the building or structure has paid real estate taxes to the County for such building or structure for a period of more than the previous 15 years.

Any such building or structure may be brought into compliance with the Uniform Statewide Building Code without affecting the nonconforming status of the building or structure.

7. Additionally, a nonconforming building or structure shall include those circumstances where:
 - a permit was not required and an authorized governmental official informed the property owner that the structure would comply with the zoning ordinance; and
 - the improvements were then constructed accordingly.

In any proceeding when the authorized county official is deceased or unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized county official made such statement.

8. A nonconforming building or structure may be repaired, rebuilt or replaced after being damaged or destroyed by a natural disaster or other act of God or accidental fire provided that:
 - the nonconforming features are eliminated or reduced to the extent possible, without the need to obtain a variance or other zoning approval;
 - the requirements of the floodplain regulations of this chapter are met; and
 - the work is done within 2 years unless the building is in an area under a federal disaster declaration and was damaged or destroyed as a direct result of the disaster, in which case the time period shall be extended to 4 years.

For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. Nothing herein shall be construed to enable

the property owner to commit an arson under the Code of Virginia and obtain vested rights under this section.

9. A nonconforming manufactured home within a manufactured home park may be replaced with another comparable manufactured home that meets the HUD manufactured housing code. In such circumstances, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. A nonconforming manufactured home located on an individual lot may be replaced with a newer manufactured home, either single- or multi-section, that meets the HUD manufactured housing code.

(Ordinance of 10-25-17)

Sec. 19.1-4. Nonconforming Signs.

- A. **Generally.** Any sign not lawfully existing prior to June 24, 2015 shall not become a legal sign by the enactment of this chapter. Any sign lawfully existing prior to June 24, 2015 which does not comply with the requirements of this chapter shall be deemed to be a “nonconforming sign” and may continue subject to the provisions of this section provided the sign is properly maintained. Notwithstanding the foregoing, a nonconforming outdoor advertising sign is governed by Sec. 19.1-279.
- B. **Enlargement, Extension, Reconstruction, Substitution or Structural Alteration of Nonconforming Sign.** Except where otherwise provided and as follows, a nonconforming sign shall not be enlarged, extended, reconstructed, substituted or structurally altered, except when required by law or lawful order, unless the following conditions are met:
 1. The sign is repaired or refurbished at a cost of 35 percent or less of the replacement cost of the total sign structure. Costs associated with normal maintenance and re-facing of outdoor advertising signs shall not be deemed to be repair or refurbishing;
 2. The sign is damaged to an extent where the estimated reconstruction cost is less than 50 percent of the appraised value. If a sign is damaged by fire, flood, explosion, earthquake, war, riot, storm or act of God to an extent where the estimated reconstruction is less than 50 percent of the appraised value, it may be restored or reconstructed as before, provided the work is done within 2 years after the damage occurs;
 3. The sign may be refaced provided the existing sign does not exceed the size or height limitations of this chapter by 100 percent or more;
 4. A new tenant in a multi-tenant building may erect new building mounted signs in conformance with this chapter without affecting the nonconforming status of other signs on the building; and
 5. A sign may be replaced provided the area and height of the new sign is 50 percent or less of the size and height by which the original sign exceeded this chapter’s requirements and all other requirements of this chapter are met.

(Ordinance of 7-24-19)

Sec. 19.1-5. Administrative Written Decisions, Determinations, and Orders. Administrative Appeals.**A. Written Decision, Determination and Order.**

The director of planning shall provide a written response to a person who has filed a request in writing for a decision or determination on zoning matters within the scope of his authority. The response shall be provided within 90 days of the date of the request, unless the requestor agrees to a longer time period. When the applicant is not the owner or the property owner's agent subject to the written decision or determination, the planning department shall provide written notice within 10 days of the receipt of the request to the owner of the property at the owner's last known address as shown by the department of real estate assessments.

A written decision, determination or order shall include: a statement informing the recipient of the right to appeal the decision, determination or order within 30 days to the board of zoning appeals in accordance with this chapter; the appeal fee; location of information regarding the filing of an appeal; and a statement that the decision, determination or order is unappealable if not appealed within 30 days after the date of the written decision, determination, or order. The appeal period shall not commence until this statement is given.

In addition, for a written order only, the appeal period shall not commence until the order is sent by registered mail or certified to, or posted at the usual place of abode of, either the property owner at the address shown by the department of real estate assessments, or the address of the registered agent shown in the records of the Clerk of the State Corporation Commission.

B. Appeals of Decision or Determination.

1. **Right to Appeal.** Except as provided in Article II, Division 4, an appeal to the board of zoning appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the county from any decision or determination made by the director of planning on zoning matters within the scope of his authority or any other administrative officer in the administration or enforcement of this chapter.
2. **Notice of Appeal.** An appeal of a decision or determination to the board of zoning appeals shall be taken by filing a notice of appeal with the director of planning specifying the grounds for the appeal. The director shall transmit the appeal to the board of zoning appeals along with all of the papers constituting the record of the initial decision.
3. **Stay of Proceedings.** Once appeal is made, all proceedings in furtherance of the action appealed from shall be stayed. However, if the director of planning certifies to the board of zoning appeals that a stay would, in his opinion, cause imminent peril to life or property, proceedings shall not be stayed except by a restraining order granted by the board of zoning appeals or by a court of record, on application and on notice to the director of planning and for good cause shown.

(Ordinance of 10-25-17; Ordinance of 2-19-2020)

Sec. 19.1-6. Enforcement of Chapter.

A. Generally.

1. **Responsibility for Enforcement of Chapter.** The director of planning shall enforce this chapter and have full cooperation from other county officials. Before granting a permit to construct, alter or use a building, structure or premise that may be affected by this chapter's regulations, the building official shall submit the application for the permit to the planning department for review and approval. If the proposed use, building or structure conflicts with the regulations of this chapter to include a zoning or development approval, the building official shall not issue the building or occupancy permit.
2. **Enforcement of Zoning, Development and Historic Designation Approvals.** The director of planning shall administer and enforce conditions of zoning, development and historic designation approvals and shall have the authority to:
 - issue a written order to remedy noncompliance;
 - bring legal action, including injunction, abatement or other appropriate action to ensure compliance;
 - require that a historically designated site be restored to its appearance prior to any demolition, alteration, or construction performed in violation of this chapter; and
 - require a guarantee, in a form satisfactory to the county attorney, in an amount sufficient for, and conditioned upon, the construction of required physical improvements. Such guarantee shall be reduced or released by the county, upon the submission of satisfactory evidence that construction of the required improvements has been completed in whole or in part.

- B. **Right of Entry to Determine Existence of Violation.** The director of planning may enter upon or search any real estate or improvements thereon only after obtaining a valid search warrant unless either the entry or search is made with the knowing and intelligent consent of the property owner or an adult resident tenant or person of authority associated with the property, a violation is in plain view, or a violation occurs in the presence of the director of planning.

C. Repetitive Violations.

1. **Computer Controlled Variable Message Electronic (EMC) Sign.** If 2 notices of violation for an EMC sign are issued within 12 months, the planning department may issue a suspension of the sign permit for a period of up to 30 days. For each violation following the initial suspension period, the director of planning can suspend the sign permit for a period of up to 30 days. During suspension periods, the EMC sign shall be disconnected from electric power.
2. **Planning Sign Permit.** The planning department may deny a planning sign permit application for up to 1 year from the issuance of the most recent notice of violation if a property, business, or organization has received 2 notices of violation for regulations related to signs requiring a planning sign permit in any 12 month period.

D. **Misdemeanor Violations.** With the exception of violations which may be subject to civil penalties as outlined in E., violations of this chapter shall be considered misdemeanors.

1. Notice of Violation.

- a. Service of Notice. If the director of planning determines that a person has violated this chapter, the director shall either serve a notice by hand directly to the person or by first class mail to the last known address of the person.
- b. Contents of Notice and Time Period to Comply. The notice shall set forth:
 - o the nature of the violation;
 - o the time period required for compliance;
 - o a statement informing the recipient of the right to appeal the notice within 30 days to the board of zoning appeals in accordance with this chapter;
 - o the appeal fee;
 - o location of information regarding the filing of an appeal; and
 - o a statement that the notice of violation is unappealable if not appealed within 30 days of the date of the notice.

With respect to violations involving the parking or display of motor vehicles, prohibited signs, limited duration signs, or computer controlled variable message electronic (EMC) signs, the person shall remedy the violation within 24 hours of service of the notice, unless an extension is granted. For all other violations, the person shall remedy the violation within 10 days after service of the notice, unless an extension is granted.

2. Fines.

- a. A violation regarding the number of unrelated persons in a single family dwelling shall be punishable by a fine of up to \$2,000. If the violation is uncorrected at the time of conviction, the court shall order the violator to abate the violation within a specified time period. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000 and any such failure during any succeeding 10 day period shall constitute a separate misdemeanor offense for each 10 day period, punishable by a fine of up to \$7,500.
- b. All other misdemeanor violations shall be punishable by a fine of not more than \$1,000.00. If the violation is uncorrected at the time of conviction, the court shall order the violator to abate the violation within a specified time period. Failure to abate the violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000.00, and any such failure during a succeeding 10 day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500.00; and any such failure during any succeeding 10 day period shall constitute a separate misdemeanor offense for each 10 day period punishable by a fine of not more than \$2,000.00.

3. **Other Actions.** In addition to the above, the director of planning may invoke any other lawful procedure available, such as injunction or abatement, as may be necessary to prevent, restrain, correct or abate a violation of this chapter.

E. **Civil Violations.** Operation of a business other than a home occupation on a R, R-TH, R-MF or A property in violation of this chapter, or a violation of this chapter relating to limitation on the hours of operation or noise control may be processed as a civil violation as may be determined by the director of planning. The designation of a violation as a civil offense shall be in lieu of misdemeanor sanctions. Except for a violation resulting in injury to a person or persons, such designation shall preclude the prosecution of a violation as a misdemeanor. The remedies provided for civil penalties are cumulative and not exclusive, and shall be in addition to any other remedies provided by law or equity.

1. **Notice of Violation or Summons.**

- a. **Service of Notice or Summons.** If the director of planning determines that a person has violated the provisions of this chapter which are subject to civil penalties, the director shall cause a copy of the summons to be served upon persons as he may determine has committed a civil violation.

- b. **Contents of Notice or Summons.** The notice shall set forth:

- name and address of person charged;
- nature of the infraction and ordinance provision(s) being violated;
- location, date and time that the infraction occurred or was observed;
- amount of civil penalty for the infraction; and
- the right of the recipient to elect to either pay the penalty or stand trial for the infraction and the date for such trial. The summons shall state that if the person elects to pay the penalty, he must do so by making an appearance in person or in writing by mail to the county treasurer at least 72 hours prior to the time and date fixed for trial and, by such appearance, enters a waiver of trial, and admits liability for the offense charged. The summons shall provide that a signature is an admission of liability that shall have the same force and effect as a judgment of court. However, such admission shall not be deemed a criminal conviction for any purpose.

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

3. **Fines.** A civil violation shall be punishable by a fine of not more than \$100.00 for the initial summons and not more than \$250.00 for each additional summons. Each day during which a violation exists shall constitute a separate violation. However, in no event shall a violation arising from the same set of operative facts be charged more frequently than once in any 10 day period, nor shall a series of such violations arising from the same set of operative facts result in fines exceeding a total of \$5,000.00.

(Ordinance of 9-16-15; Ordinance of 4-24-19)

Sec. 19.1-7. through 19.1-8. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	
9/16/2015	2	Signs & Associated Fees	94962.1
10/25/2017	3	(19.1-3) Nonconforming Uses and Related Fees	98702.1
		(19.1-5) Written Orders	98700.1
	4	version not used	
12/12/2018	5	(19.1-1) Variance and Zoning for Persons with Disabilities (19PJ0103)	113281.1
	6	Version not used	
4/24/2019	7	(19.1-6) Zoning Violation Fines	113829.1
7/24/2019	8	(19.1-4) Sign Standards	115607.1
02/19/2020	9	(19.1-5) Mailing of Written Orders	116019.1

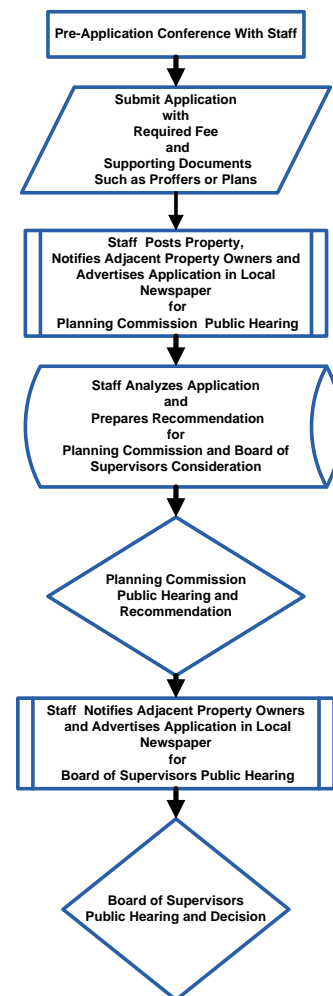
ARTICLE II. ORDINANCE AMENDMENTS, APPEALS, ZONING APPROVALS AND DEVELOPMENT APPROVALS

DIVISION 1. ORDINANCE AMENDMENTS, REZONINGS AND CONDITIONAL USES

Sec. 19.1-9. Procedures Generally.

- A. **Procedure Generally.** The board of supervisors may, by ordinance, amend, supplement, change or repeal this chapter's provisions, district boundaries or classifications of property, as shown on the zoning maps, subject to the provisions of this chapter. Such ordinances shall not be considered by the board unless first presented to the planning commission for recommendation. If withdrawn while pending before the planning commission or board of supervisors, processing of the application shall cease.
- B. **Time Period for Commission Action excluding Adult Businesses.** The commission shall report a recommendation to the board within 100 days from the date of its first public hearing on the ordinance unless the applicant requests or consents to action beyond that time or withdraws the application. Failure of the commission to render a report within this time period shall be deemed to be a recommendation of approval on the matter.
- C. **Time Period for Board Action excluding Adult Businesses.** The board of supervisors shall render a decision upon an ordinance within 12 months after the date of its first public hearing on the matter, unless the applicant requests or consents to action beyond that time or withdraws the application.
- D. **Time Period for Action on Adult Business Applications.** Unless the applicant consents to a longer period of review, an application for a conditional use for an adult business shall be approved or denied within 90 days of the submission of a complete application.

FIGURE 19.1-9
GENERAL OVERVIEW
OF
REZONING AND CONDITIONAL USE PROCESS



- E. **Zoning Maps.** The zoning map shall show, by appropriate symbols, the existence of conditions attached to the zoning of a property. The map shall be available in the planning department for public inspection along with the ordinance creating the conditions, in addition to the zoning district regulations.
- F. **Amendments to Zoning Approvals.** Except where otherwise stated, any amendment to a zoning approval shall occur in the same fashion as the initial zoning approval.

Sec. 19.1-10. Conditional or Proffered Zoning.

- A. **Generally.** While the provisions of this chapter provide for the orderly development of land through zoning and development standards, traditional zoning methods and procedures may not be adequate to address competing and incompatible uses. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses. Conditional or proffered zoning allows the applicant to voluntarily offer or proffer conditions which are generally not applicable to land similarly zoned. Conditional or proffered zoning shall not be used to discriminate in housing.
- B. **Standards for Proffering Conditions.** An applicant may voluntarily proffer conditions provided that:
- the rezoning itself gives rise to the need for the conditions;
 - the conditions have a reasonable relationship or are roughly proportional to the impact of the rezoning; and
 - the conditions are in conformity with the comprehensive plan.
- C. **Dedication of Real Property or Cash Payment.** If proffered conditions require dedication of real property or a cash payment, the property transfer or payment shall not be made until the proposed facilities for which the property is to be dedicated or cash is to be tendered are included in the county's capital improvement program. This requirement shall not prevent acceptance of proffered conditions relating to matters which are not normally included in the capital improvement program. Any conditions shall provide for the disposition of such property or cash payment in the event it is not used for the purpose for which proffered.

Sec. 19.1-11. Conditional Uses.

- A. **Generally.** Certain uses, due to their unique characteristics, cannot be permitted by right or with restrictions in a particular district without individual consideration of the impact of those uses on neighboring land and of the public need for the use at a specific location. Conditional uses are of such a nature that their operation requires special treatment to create a satisfactory environment with respect to their impact on neighboring property or public facilities.

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

- B. **Additional Application Requirements for Construction, Demolition and Debris Landfills.** In addition to the requirements for submission of a zoning application, an application for a conditional use for a construction, demolition and debris landfill shall include the following:

1. Map at a scale of 1 inch equals 200 feet showing the following within 500 feet of the property boundaries: surface water supply intakes, watershed protection zones, groundwater recharge areas, wetlands, 100 year floodplains, surface impoundments, free flowing streams, site topography, private or public wells, roads, public facilities, residences and occupied structures.
2. Zoning, tax parcel and property map at a scale acceptable to the planning department.
3. Hydrogeological report prepared by a hydrogeologist of the site including the following information:
 - hydrogeological and soil characteristics of the site;
 - vertical profile of soil to a depth 20 feet below the proposed floor of the landfill or to bedrock, whichever is less, in accordance with the Table 19.1-11.B.3.:

Table 19.1-11.B.3.	
Acreage of Fill Area	Total Number of Borings
Less than 10	4
10 to 49	8
50 to 99	14
100 to 200	20
More than 200	24
For each additional 10 acres	1

- water level elevations for each location at least 24 hours after the field observations were completed;
- soil classifications data at the proposed landfill floor;
- statement on suitability of on-site soil for use as a liner; and
- map showing direction of groundwater flow.

4. Report and engineering drawings prepared by a qualified landfill professional describing:

- sources and quantities of waste to be handled;
- proposed location and limits of operational area;
- entrance location and traffic impact analysis;
- proposed buffers and setbacks from adjacent property;
- proposed depth and height of disposal operation;
- description of the site liner, leachate collection and removal system;
- proposed life of landfill in years; and
- proposed environmental controls to minimize site impacts to include groundwater monitoring and protection; noise, dust, litter and water quality control; and gas migration control.

C. **Guidelines for Acting on Conditional Uses.** The following guidelines shall be used in acting on conditional use applications:

- the establishment, maintenance or operation will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- compliance with the comprehensive plan;
- the use and enjoyment of property in the immediate vicinity for the purposes already permitted will not be diminished;
- the normal and orderly development and improvement of surrounding property for uses permitted in the district will not be impeded;
- the architectural and site design will not be at variance to that in the area or the character of the zoning district so as to cause a substantial depreciation in property values;
- adequate utilities, roads, drainage or necessary facilities have been or will be provided;
- adequate measures have been or will be taken to minimize traffic congestion on roads; and
- the use in all other respects conforms to the applicable regulations of the zoning district in which it is located.

D. **Additional Guidelines for Acting on Conditional Uses for Adult Businesses.** In addition to the guidelines for action on conditional uses, the planning commission and board of supervisors shall consider the following factors as well as other appropriate land use considerations when acting upon conditional uses for adult businesses:

- nature of the surrounding area and the extent to which the proposed use might significantly impair its present or future development;
- proximity of dwellings, churches, schools, parks or other places of public gatherings;
- probable effect of the proposed use on the peace and enjoyment of people in their homes;
- limitations of fire and rescue equipment and the means of access for fire and police protection;
- preservation of cultural and historical landmarks and trees;
- probable effect of noise, vibrations, and glare upon the uses of surrounding properties;
- conservation of property values;
- contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods; and
- probable effect that alcohol sales or consumption at the adult business would have in heightening the risk of violations of local laws, and any negative secondary effects on surrounding properties and the neighborhood.

E. **Conditions and Guarantees.** In acting upon an application, conditions and restrictions may be imposed on the use, operation, establishment, location and construction as necessary to protect the public interest and secure compliance with the guidelines. In addition, a guarantee or bond may be required to ensure that conditions are satisfied.

Sec. 19.1-12. Conditional Use Planned Developments.

A. **Generally.** Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are necessary.

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

- B. **Use and Development Standards Exceptions.** In the case of planned developments, the planning commission may recommend, and the board of supervisors may authorize, specific uses not permitted in the district or exceptions to development standards.

1. **Use Exceptions.**

- a. Considerations for Granting Use Exceptions. In granting use exceptions, the following shall be considered:
- the exceptions are necessary, desirable and appropriate with respect to the primary purpose of the development; and
 - the exceptions are not of such a nature or located so as to have a detrimental influence on the area.
- b. Limitations. Use exceptions shall only be granted on a maximum of 30 percent of the gross acreage of a total project unless the use is not specifically enumerated in this chapter as permitted by right, with restrictions, with conditional use, or with special exception in any district excluding those uses which may be specifically prohibited.

2. **Regulation exceptions.**

- a. Considerations for Granting Use Exceptions. In granting development standards exceptions, consideration shall be given as to whether the exceptions are solely for the purpose of promoting an integrated plan no less beneficial to the occupants of the development and area property than would be obtained under this chapter's development regulations.
- b. Lot Area Reductions. The minimum lot area requirements may be decreased without limitation, provided that land in an amount equivalent to that by which each residential lot or building site is diminished is provided in common area within the development.
3. **Conditions and Guarantees.** Conditions and restrictions may be imposed on the use, operation, establishment, location and construction as necessary to protect the public interest and secure compliance with the guidelines. In addition, a guarantee or bond may be required to ensure that conditions are satisfied. Reasonable guarantees shall be provided that required common area will always remain available and be reasonably maintained.
4. **Application Requirements.** In addition to the requirements for submission of a zoning application, additional information may be required, including, but not limited to, a master plan showing the general location of streets and land uses by type, function, density and intensity. In a map or textual form, preliminary plans for drainage and erosion control, transportation improvements, water and wastewater service, and other public utilities and facilities may be required.

5. **Amendment of Conditions.** Except as outlined below, amendment of a conditional use planned development's conditions shall occur through the same process as the original approval:

- Conditions allowing amendment by the planning commission, staff or others may be amended per the language of the condition; and
- Conditions establishing setbacks may be amended through the granting of an administrative variance, provided relief applies solely to a single lot and not the overall area encompassed by the conditional use planned development.

Sec. 19.1-13. Appeals.

- A. **Generally.** Any person aggrieved by the decision of the board of supervisors relative to a rezoning or conditional use decision may file an appeal in accordance with the provisions of the Code of Virginia.
- B. **Conditional Use for an Adult Business.** If an application for conditional use for an adult business is denied and the applicant desires to appeal, the county shall facilitate prompt review of the decision from the circuit court. Unless the applicant agrees to an extension, the county shall file a responsive pleading within 10 days of service upon the county of an appeal and a responsive brief within 15 days of service of the applicant's brief. The county shall agree to any reasonable expedited trial or hearing date.

History of Amendments		
Date	Document #	Description
6/24/2015	94248.2	Date of Adoption
10/28/2015	94248.3	Variances & the BZA (Ordinance 94694.2)

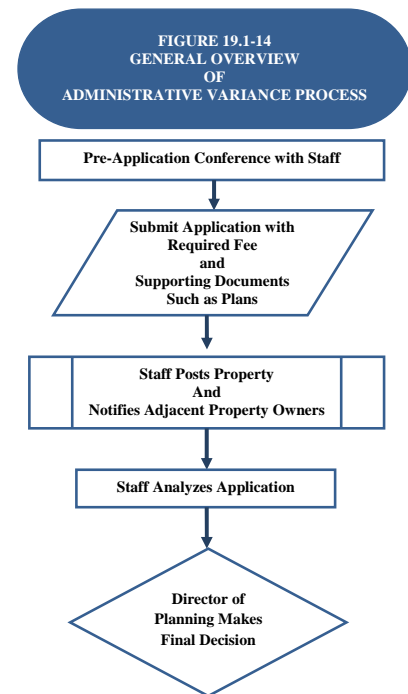
DIVISION 2. VARIANCES, SPECIAL EXCEPTIONS AND APPEALS OF DIRECTOR'S DECISIONS

Sec. 19.1-14. Administrative Variances.

- A. **Generally.** The director of planning may grant an administrative variance from any building setback requirement.
- B. **Time Period for Acting on Modification.** The director of planning shall approve or disapprove an application not less than 21 days after the date of notice of the application nor more than 90 days after the application is received.
- C. **Findings.** In granting an administrative variance, the following findings shall be made in writing by the director of planning:
- the strict application of the ordinance requirement would produce undue hardship or the variance would alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability;
 - the hardship is not shared generally by other properties in the same zoning district and same vicinity;
 - the variance will not be of substantial detriment to adjacent property; and
 - the character of the zoning district will not be changed by the variance.

In addition to other application requirements, for modifications to alleviate a hardship requested by, or on behalf of, a person with a disability the director may require documentation from the applicant to substantiate that such person meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131, et seq.) or state and federal fair housing laws.

- D. **Conditions.** In granting a variance, conditions may be imposed related to the impact of the variance as deemed necessary to substantially secure the objectives of the standards of this chapter. Unless conditioned otherwise by the director of planning, any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability shall expire when the person benefited by it is no longer in need of the variance to such property or improvements provided by the variance, subject to the provisions of



state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable.

- E. **Written Decision**. The director of planning shall make his decision in writing. The written decision shall include the findings and, where applicable, imposed conditions. A copy of the decision shall be provided to the applicant and any adjacent property owner who responded in writing to the notice.

- F. **Appeals of Director's Decision**. An appeal of the director of planning's final decision may be made to the board of zoning appeals in accordance with Section 19.1-15.B.2.

(Ord. of 12-12-18)

Sec. 19.1-15. Board of Zoning Appeals.

A. **Generally**.

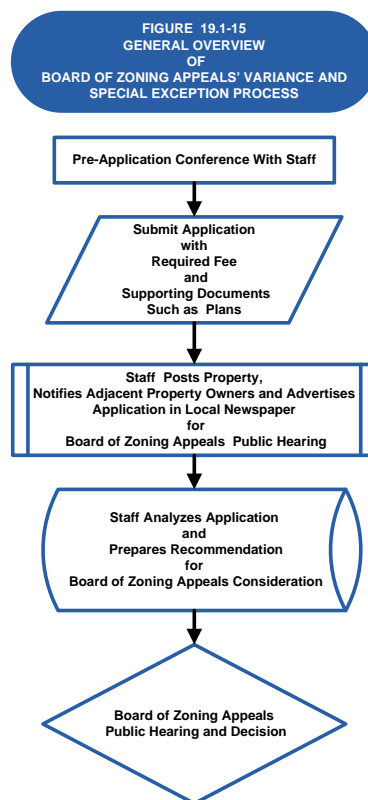
1. **Powers and Duties Generally**. The board of zoning appeals shall have the power and responsibility to consider the following:

- variances;
- special exceptions;
- appeals of the decision of director of planning and other administrative officers in the administration or enforcement of this chapter; and
- interpretation of zoning district boundaries.

2. **Membership, Appointment and Terms of Office**.

The board of zoning appeals shall consist of 5 county residents. Each member shall be appointed by the circuit court for a term of 5 years. At least 30 days in advance of the expiration of a term of office, or promptly if a vacancy occurs, the secretary of the board shall notify the court. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Except for one member who may be on the planning commission, members shall not hold any other public county office. A member whose term expires shall continue to serve until the successor is appointed and qualifies.

3. **Removal from Office**. A member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause, by the court which appointed the member, after a hearing held after at least 15 days' notice.



4. **Chairman, Vice Chairman and Secretary.**

The board of zoning appeals shall elect one of its members as chairman and one as vice chairman, each to serve for a one year term and each of whom may succeed themselves. The chairman shall preside at all meetings of the board and, in his absence, the vice-chairman shall preside and have all of the authority as the chairman. The chairman may administer oaths and compel the attendance of witnesses.

The board shall appoint a salaried planning department employee to perform the duties of secretary in addition to other regular duties. The secretary shall keep the minutes and other records of the actions and deliberations of the board of zoning appeals, and shall perform other ministerial duties as the board may direct.

5. **Meetings and Procedures.**

The board shall adopt rules of procedure as deemed necessary to carry out the provisions of this chapter.

Ex parte communications and provision of case materials to the applicant, appellant or an aggrieved person shall occur in accordance with the Code of Virginia.

Meetings shall be held at the call of the chairman or at such other times as the board may determine. The board shall fix a reasonable time for the hearing of an application or appeal and decide the same within 90 days from the date of its first public hearing on the matter, unless the applicant requests or consents to action beyond such time period. The board shall offer an equal amount of presentation time to the applicant, appellant, an aggrieved person, if any, and staff. Meetings shall be open to the public.

The presence of 3 members shall be necessary for a quorum. The concurring vote of at least 3 members shall be necessary to reverse a decision of the director or administrative officer, or to decide in favor of an applicant on any matter upon which it is required to pass.

The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be promptly filed in the office of the board and shall be of public record.

The board shall submit a report of its activities to the board of supervisors at least once each year.

- B. **Powers and Duties.** The provisions of this section shall not be construed as granting the board of zoning appeals the power to rezone property or to base decisions on the merits of the purpose and intent of the zoning ordinance. The board of zoning appeals shall have the following powers and duties:

1. Variances.

- a. Standards and Findings for Granting a Variance. The board of zoning appeals shall grant a variance if the applicant proves through a preponderance of evidence that:
- a strict application of this chapter would unreasonably restrict use of the property, or the variance would alleviate a hardship due to the physical condition of the property or improvements on the property at the time of the effective date of this chapter, as amended from time to time, or the variance would alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability;
 - the property was acquired in good faith and any hardship was not created by the applicant;
 - substantial detriment will not occur to adjacent and nearby properties in the proximity of the geographic area in which the property is located;
 - the condition, situation or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter;
 - the application will not allow a use that is not otherwise permitted on the property, or change the zoning district classification for the property; and
 - the relief is not available through an administrative variance, special exception or conditional use.

In addition to other application requirements, for modifications to alleviate a hardship requested by, or on behalf of, a person with a disability the director may require documentation from the applicant to substantiate that such person meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131, et seq.) or state and federal fair housing laws.

b. Conditions and Guarantees.

A building permitted by a variance may only be expanded if the expansion is in accordance with the provisions of this chapter unless an additional variance is obtained.

In granting a variance, the board may impose conditions regarding the location, character and other features of the proposed structure or use as deemed necessary in the public interest. The board may also require a guarantee or bond to ensure that the conditions are satisfied.

Unless conditioned otherwise by the board, any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person

with a disability shall expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable.

2. **Appeals.** The decision on an appeal of administrative decisions as permitted in Sections 19.1-5. and 19.1-14. shall be based upon the board's judgment as to whether the administrative decision was correct. Appeals shall be conducted in accordance with the Code of Virginia. The board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination.
3. **Interpretation of Zoning Maps.** The board of zoning appeals shall hear and decide applications for interpretation of the zoning maps where there is any uncertainty as to the location of a district boundary that is not addressed pursuant to Section 19.1-51.B. The board of zoning appeals may interpret the map in such a way as to carry out the intent and purpose of this chapter for the particular section or district in question. The board of zoning appeals shall not have the power to substantially change the locations of district boundaries as established by this chapter.
4. **Special Exceptions.**
 - a. **Standards for Granting a Special Exception.** In considering an application for a special exception, the board of zoning appeals shall consider:
 - the nature and condition of adjacent uses and structures and the probable effect of the use upon them; and
 - the special characteristics, design, location, construction, method of operation, effect on traffic conditions or any other aspects of the use or structure.
 - b. **Findings.** The special exception may be granted if the board of zoning appeals finds that the proposal, with or without conditions, will be in substantial accordance with this chapter and will not:
 - adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood;
 - unreasonably impair an adequate supply of light and air to adjacent property,;
 - increase congestion in the streets;
 - impair the character of the district or adjacent districts;
 - be incompatible with the comprehensive plan; or
 - likely reduce or impair the value of buildings or property in surrounding areas.

- c. Conditions and Guarantees. If the board determines that approval of the special exception is appropriate, the board may impose conditions in addition to those required by this chapter relative to location, design, construction, equipment, maintenance or operation to avoid any adverse impacts. A special exception may be granted for either a limited or indefinite period of time. The board may also require a guarantee or bond to ensure that the conditions are satisfied.
 - d. Revocation. A special exception shall be revocable by the board if the board determines that there has not been compliance with the terms or to adhere to the conditions.
5. **Appeals of Board of Zoning Appeals Decisions.** Any person or persons jointly or severally aggrieved by a decision of the board of zoning appeals, or any aggrieved taxpayer, or any officer, department, board or bureau of the county may file with the clerk of the circuit court a petition specifying the grounds on which aggrieved within 30 days after the final decision of the board, in accordance with the provisions of the Code of Virginia. When the appellant is neither the owner nor the agent of the owner of the property subject to the decision, the planning department shall provide written notice to the owner of the property at the last known address of the owner as shown by department of real estate assessments no later than 10 days from service of the writ of certiorari on the secretary of the board of zoning appeals.

(Ord. of 12-12-18)

Sec. 19.1-16. through 19.1-19. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	
10/28/2015	2	Variances & the BZA	94694.2
	3	version not used	
12/12/2018	4	(19.1-14, 19.1-15) Variance and Zoning for Persons with Disabilities (19PJ0103)	113281.1

DIVISION 3. HISTORIC DISTRICTS, LANDMARKS AND LANDMARK SITES

Sec.19.1-20. Purpose and Intent of Historic Districts, Landmarks and Landmark Site Designation.

The purpose and intent of this division is to allow for the establishment of a historic district, landmark and landmark site, all of which are also referred to as historically designated property.

Sec. 19.1-21. Preservation Committee.

- A. **Powers and Duties Generally.** The preservation committee shall assist in the administration of the provisions of this division.
- B. **Membership, Appointment and Terms of Office.** The preservation committee shall consist of 7 members appointed by the board of supervisors for 3 year terms. The membership shall include at least 1 person in each of the following categories:
 - architect or landscape architect;
 - contractor;
 - representative of a local historical society; and
 - person with professional expertise or training in the field of historic preservation and historic landmarks.

Sec. 19.1-22. Historic Designation.

- A. **Procedures and Meetings.**
 1. **Preservation Committee and Planning Commission.** The preservation committee and planning commission shall hold a joint public hearing to consider an application for designation of an historic district, a landmark or landmark site, or the removal of a designation. Within 60 days of the date of the first joint hearing, the commission and committee shall forward independent reports to the board of supervisors. The report shall address the effect of the designation on future development and may address other matters as may be deemed appropriate. For designation or designation removal applications, the commission and committee shall each make a recommendation. The recommendation may be for approval with or without conditions or altered boundaries, or for denial.
 2. **Board of Supervisors.** After receiving the report and recommendation of the preservation committee and planning commission, the board of supervisors shall conduct a public hearing and determine whether or not to grant or remove the designation, as applicable.

B. Findings.

1. **Designation.** To receive designation, a finding shall be made that the property has the potential to provide cultural and civic benefits by the existence of one or more of the following:
 - presence of special historical or archeological interest relating to local, state or national history;
 - presence of special character or aesthetic interest; value caused by area development patterns; or area natural, landscaping or topographical features;
 - presence of one or more periods or styles of architecture typical of one or more eras in the county's history giving the area a distinct character;
 - concentration of indigenous examples of local architecture which have not been significantly altered from their original design, have a uniform scale, and derive special value from the repetition of scale and form; or
 - presence of one or more distinguished buildings of high architectural quality and historic interest.
 2. **Designation Removal.** To remove a designation, a finding shall be made that the original findings no longer exist.
- C. **Appeals.** A person aggrieved by the final decision of the board of supervisors relative to historic designation or removal shall have the right to appeal to the circuit court within 30 days of the decision.

Sec. 19.1-23. Certificate of Appropriateness.

- A. **Prerequisite to Zoning Approval.** A certificate of appropriateness for any work requiring zoning approval shall not be acted on until the zoning approval has been obtained.
- B. **Exemptions to Obtaining a Certificate of Appropriateness.** Where a danger to life, health or safety exists, the building official may cause the landmark or landmark site to be barricaded without obtaining a certificate of appropriateness. Further, in accordance with the Uniform Statewide Building Code, if the building official determines that the structure constitutes such a hazard, the structure may be razed, demolished or moved without obtaining a certificate of appropriateness.

C. Certificate of Appropriateness Required.

Exterior work, excluding routine maintenance that does not alter the existing exterior appearance, shall not be performed on a historically designated property without, or in violation of, a certificate of appropriateness. It shall be unlawful to deviate from an approved certificate of appropriateness without obtaining an amended certificate in the same manner as the original certificate.

Except as otherwise provided, a building permit for any work requiring a certificate of appropriateness shall not be issued until the certificate has been obtained. For designated properties, a certificate of appropriateness is required for any of the following:

- construction, alteration or remodeling that would affect the exterior architectural appearance;
- removal, moving or demolition of a structure; or
- land disturbing activities on designated properties.

Except when the building official determines that a structure is of such a hazard as to be dangerous to life, health or safety as provided in B. of this section, where it is determined that a danger to life, health and safety can be abated by improvements, a certificate of appropriateness shall be obtained prior to commencement of any work. The certificate may require that the work not materially change or detract from the exterior appearance of the structure where the danger to life, health or safety may be abated without changing or detracting from the exterior appearance.

D. Procedures and Meetings.

1. **Time Period for Acting on Certificate of Appropriateness.** Within 45 days after the receipt of a completed application, the preservation committee shall review the application and either grant the certificate of appropriateness with or without modification or subject to conditions, or deny the certificate of appropriateness.

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

2. **Findings.** A certificate of appropriateness shall be issued or denied solely on the basis of the standards established by this chapter. In considering such application, the committee shall be guided by the purposes for which historical properties are designated and by the particular standards and considerations contained in the Secretary of the Interior's standards for rehabilitation and associated amendments.
3. **Period of Validity.** If work is not commenced within 12 months after the date of issuance, the certificate shall become null and void.

E. **Appeals.**

1. **Decision of Preservation Committee.** An aggrieved person may appeal the decision of the committee relative to certificate of appropriateness to the board of supervisors within 30 days of the date of the decision by filing a notice of appeal with the clerk to the board of supervisors.
2. **Decision of Board of Supervisors.** An aggrieved person shall have the right to appeal a final decision of the board of supervisors relative to certificate of appropriateness to the circuit court within 30 days of the decision.

Sec. 19.1-24. Razing or Demolishing Historically Designated Property.

- A. **Process.** A historically designated structure may be razed or demolished without a certificate of appropriateness provided that:

- The board of supervisors, following application by the owner, grants such right. The right shall expire 1 year from the date of the granting of the right unless renewed by the board of supervisors;
- The owner has made a bona fide offer to sell the historically designated property at fair market value to anyone who gives reasonable assurance that they are willing to preserve and restore the property and the land on which it is located; and
- The property has been placed on the market for the period of time specified based upon the asking price and a bona fide contract, binding upon all parties thereto, has not been executed for the sale, prior to the expiration of the applicable time period as shown in Table 19.1-19.D. :

Table 19.1-20.D. Sales Period and Price	
Time on Market (months)	Asking Price (in dollars)
3	Less than 25,000
4	25,000 or more but less than 40,000
5	40,000 or more but less than 55,000
6	55,000 or more but less than 75,000
7	75,000 or more but less than 90,000
12	90,000 or more

- B. **Appeal.** An aggrieved person shall have the right to appeal a final decision of the board of supervisors relative to razing or demolition to the circuit court within 30 days of the decision.

History of Amendments	
<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94252.1

DIVISION 4. SCHEMATIC PLANS, MASTER SITE PLANS AND SITE PLANS

Sec. 19.1-25. Schematic Plans.

- A. **Developments Requiring Schematic Plan Approval.** Unless a master plan or similar plan has been approved at the time of zoning approval, a schematic plan shall be submitted for any project containing a mixture of residential and nonresidential uses.
- B. **Required Information.** Schematic plans shall include information deemed necessary by the planning department to ensure compliance with zoning conditions, this chapter and other code requirements relative to development. Such information shall include, but not be limited to:
- horizontal layout of the project based on a metes and bounds survey;
 - general list of uses;
 - density;
 - conceptual landscaping plans;
 - cross-sections of any required buffers; and
 - traffic impact analysis, if deemed necessary by the director of transportation.
- C. **Procedure for Schematic Approval.** Prior to site plan or subdivision plat approval, schematic plans shall be approved by the planning commission. The planning commission shall review schematic plans for compliance with this chapter, zoning conditions, and the goals and policies of the comprehensive plan; to ensure land use compatibility and transition; and to mitigate any adverse impact on public health, safety and welfare. The planning commission may impose conditions to accomplish these purposes.
- D. **Appeals of Planning Commission Decision.** If the applicant disagrees with the final decision of the planning commission, he may file a written appeal with the circuit court within 60 days of that decision. In addition, any aggrieved person may contest the planning commission's final decision as permitted by state law.

Sec. 19.1-26. Master Site Plans.

A master site plan shall be submitted to the planning department for projects to be constructed in phases. A master site plan shall not be used to satisfy site plan requirements. The plan shall be prepared with sufficient detail to ensure the design compatibility of future improvements, avoid design conflicts, and verify general compliance with this chapter and other applicable code requirements. Phasing information shall not be binding or unalterable. A master site plan shall not vest rights to develop future phases until those phases have been included in an approved site plan.

Sec. 19.1-27. Site Plans Generally.

A. **Improvements not Requiring Site Plan Approval.** The following shall not require site plan approval provided unless a land area of 2,500 square feet or more is involved:

- construction trailer which is to be removed at the completion of construction;
- modular school classroom which is to be removed at the end of one year from date of initial occupancy;
- modular office which is to be removed at the end of one year from date of initial occupancy;
- tent which is to be removed at the end one month from date of erection;
- storage building;
- freestanding canopy covering an entryway, sidewalk or similar feature;
- tenant space improvements in a shell building which do not accommodate a change in use;
- repairs of a general nature to existing buildings; or
- building addition or site improvement.

B. **Improvements Requiring Site Plan Approval.** The following developments require site plan approval when a building permit is required or when the improvement involves a land area of 2,500 square feet or more:

- nonresidential, including, but not limited to, office, business, industrial, church, school, hospital, nursing home, institutional, public, park and playground; or
- residential multifamily and manufactured home park.

C. **Compliance with Approved Plan Required.**

1. **Improvements.** It shall be unlawful for any person to construct, erect or structurally alter any building or structure, or develop, change or improve land for which a site plan is required, except in accordance with an approved site plan. Deviation from an approved site plan without the written approval of the planning department shall void the plan and require the submission of a new site plan for approval.
2. **Building Permit.** Prior to approval of a site plan, a building permit shall not be issued for any building or improvement which requires a site plan.

- D. **Land Disturbance.** There shall be no clearing or grading without approval of a grading plan and erosion and sediment control plan by the planning and environmental engineering departments. Other improvements may begin following site plan approval and issuance of building permits, as applicable.
- E. **Site Plans to be Certified.** Site plans, or any portion thereof except landscape plans, shall be certified by a state of Virginia registered engineer, landscape architect, architect or land surveyor. Landscape plans shall be certified by a state of Virginia registered landscape architect, nurseryman or landscape designer.
- F. **Site Plan Required Information.** Plans shall be prepared in one or more sheets if necessary to facilitate review and approval. If prepared in more than one sheet, match lines shall clearly indicate where sheets join and each sheet shall contain an overall sketch plan showing the relationship of improvements on each sheet. Scale shall be 1 inch equals 100 feet or larger for all plan sheets showing buildings or building lots, and at least 1 inch equals 600 feet for all other plan sheets.

In addition to other information as may be required by this chapter for applications, a site plan shall include the following information where applicable, and if applicable, existing and proposed improvements or landscaping:

- Generally:
 - name and location of development;
 - vicinity sketch;
 - area and zoning of tract;
 - land use;
 - name, address, telephone number and facsimile number of person preparing plan, owner of tract and applicant;
 - owner, zoning and use of adjacent properties;
 - date, scale, north point and number of sheets;
 - boundary of tract by courses and distances, including two points connected to the Virginia Coordinate System of 1983 (NAD83);
 - building restriction lines, setback lines, utility easements, covenants, existing and ultimate rights-of-way;
 - gas, power and telephone lines, utility company owned or operated;
 - easements; and
 - graves, objects or structures marking places of burial.
- Roads, parking, buildings, pedestrian access and bikeways:
 - roads; entrances, exits, parking to include handicapped and loading spaces; number of spaces; length and width of spaces; width of drives; and pavement design detail;
 - sidewalks;
 - bikeways;
 - buildings locations, including distances between buildings; and

- building details including architectural elevations or renderings, number of stories, gross square feet of each floor, number of dwelling units, number of lodging rooms in hotel or motel, and height.
- Recreation, common area or open spaces.
- Landscaping, buffers and fencing:
 - trees and landscaping within required setbacks, tree retention areas or buffers;
 - landscaping, except that plans may be conceptual if detailed plans are approved prior to planting; and
 - slopes, terraces, retaining walls, fencing and screening.
- Solid waste storage areas location, and detail of the pad area and screening.
- Exterior lighting except that plans may be conceptual if detailed plans are approved prior to installation.
- Street address sign size and location.
- Drainage, erosion control and water quality:
 - topography, existing and finished, at a maximum of 1 foot contour intervals. Plans depicting off-site drainage areas shall show off-site topography at a maximum of 5 foot contour intervals;
 - 100-year floodplain limits and mapped dam break inundation zones;
 - storm drainage systems;
 - natural and artificial watercourses;
 - plans for collecting and depositing storm water in accordance with the requirements of the environmental engineering department and the method of treatment of natural and artificial watercourses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development;
 - Chesapeake Bay preservation areas; and
 - Upper Swift Creek watershed areas.
- Utilities and fire hydrants:
 - public water and wastewater improvements;
 - private well and wastewater improvements; and
 - fire hydrants.
- Other information as may be necessary to ensure compliance with this chapter or other applicable code requirements.

G. **Approved Plans in Electronic Format.** Following approval of a site plan and prior to the issuance of a land disturbance permit, one of the following shall be submitted to the environmental engineering department:

- Plans in electronic format such as DXF for AutoCAD, or other electronic format acceptable to the environmental engineering department, showing proposed contours, boundaries of all impervious areas, and delineation of storm sewer lines and associated structures; or
- The required information in a non-electronic format with the fee required by Section 19.1-41.C.

(Ordinance of 10-26-16)

Sec. 19.1-28. Site Plan Processing Options.

Site plans may be reviewed through either the minor site plan review process, administrative site plan review process, or planning commission site plan review process. At the time of submission, unless otherwise required by a zoning approval, the applicant shall elect the process by which the plan is to be reviewed. If applicant does not choose, the plan will either be processed under the administrative site plan review process, or if required by zoning approval, the planning commission review process.

Sec. 19.1-29. Minor Site Plan Review.

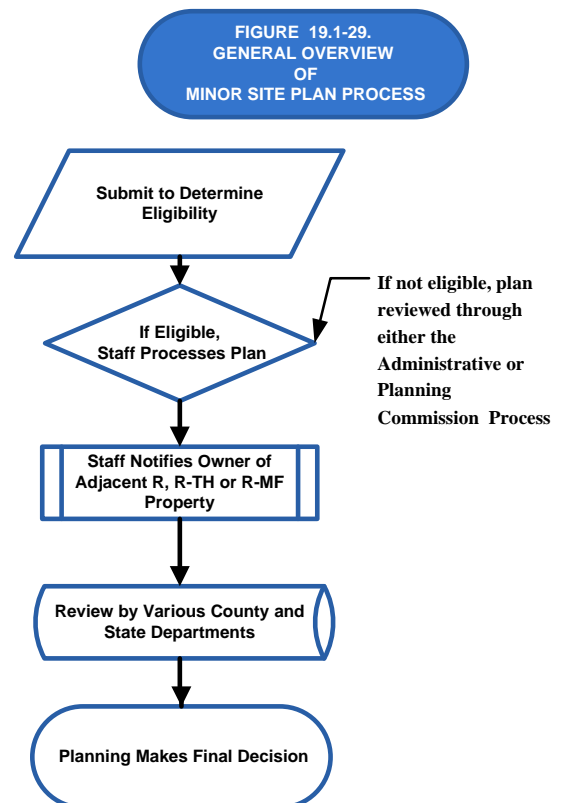
A. **Developments Eligible for Minor Site Plan Review.** If the following conditions are met, site plans may be reviewed and approved by the planning department subject to recommendations by other departments:

- zoning approval does not preclude review through the minor site plan review process;
- development is for a building addition or land disturbance of an area between 2,500 and 10,000 square feet;
- development is not located adjacent to R, R-TH or R-MF property or property occupied by a residence; however, if such adjacent property owners are notified by the applicant by registered mail, return receipt requested, the plan may be processed under the minor site plan process. The planning department shall not approve the plan any sooner than 15 days after the date that the required notifications were sent;
- water or wastewater main extensions are not required;
- industrial uses have independent water supplies sufficient for fire suppression;

- Virginia Department of Transportation reviews can be performed by residency office staff;
- substantial access changes, road improvements or internal traffic circulation changes are not proposed;
- buffers are not impacted or do not require substantial modification;
- drainage improvements do not require dedication of easements to the county; and
- Chesapeake Bay regulations are complied with either by use of an existing BMP, or reducing imperviousness.

B. Minor Site Plan Review Process.

1. **Preliminary Site Plan.** A preliminary site plan shall be submitted to the planning department to determine eligibility of the plan for review under the minor site plan review process. If the plan does not meet the eligibility requirements, the plan shall be processed either according to the administrative site plan review process or the planning commission site plan review process, as the applicant elects.
2. **Review and Approval.** A plan meeting the eligibility requirements shall be forwarded by the planning department to other departments, as necessary, for review and approval. The planning department shall approve or disapprove a minor site plan based upon the reviewing departments' recommendations. Two copies of the approved plan, one of which shall be maintained on the development site, shall be provided to the applicant.
3. **Review Time.** The planning department shall notify the applicant of the decision to approve or disapprove the plan. If the development is located adjacent to R, R-TH or R-MF property or property occupied by a residence, the plan shall not be acted upon any sooner than 15 days after the applicant sends the required notifications. In any case, the planning department shall approve or disapprove the plan within 60 days of the date the plan was submitted. If the planning department fails to act within the 60 days, the applicant, after 10 days' written notice to the director of planning, may petition the circuit court to decide whether the site plan should or should not be approved.



C. **Appeals and Transfers.**

1. **Eligibility and Time Limits for Appeal of Decision or Transfer Request.**

- a. Applicant. If the applicant disagrees with the planning department's final decision, he may file a written appeal with the planning commission within 15 days of the date of the decision; or
- b. Adjacent Persons. Persons with an interest in adjacent R, R-TH or R-MF property or property occupied by a residence may request in writing within 15 days of the date of the decision that the application be decided by the planning commission instead of the planning department. Such request shall be limited to the matters outlined in Section 19.1-30.C.1.b.

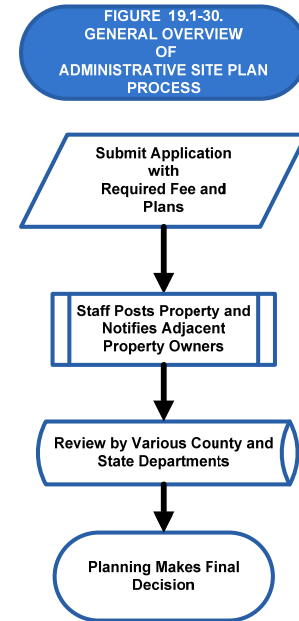
2. **Commission Consideration of Appeal and Transfer Request.** The planning commission shall fix a reasonable time for hearing of the appeal or transfer request and decide the same within 60 days of the date of the site plan submission. The commission may affirm, modify or reverse the decision.

3. **Cessation of Improvements Pending Decision of Appeal or Transfer Request.** Until the planning commission renders a decision, a building permit or land disturbance permit shall not be issued for any construction that could be affected by the appeal, and the director of planning shall issue a stop work order instructing cessation of any construction that could be affected by the appeal.

Sec. 19.1-30. Administrative Site Plan Review.

A. **Review and Approval.** Administrative site plans shall be reviewed by the following departments and agencies for, but not limited to, the stated reasons:

- Planning department:
 - compliance with the requirements of this chapter, such as setbacks, building height, lot area and coverage, fencing, screening, landscaping, lighting, architectural design, pedestrian access and conditions of zoning approval; and
 - location, design and adequacy of parking, and number and square footage of spaces.
- Transportation department:
 - location and design of vehicular entrances and exits to and from the site in relation to roads; and
 - adequate provision for internal and external traffic circulation such as access to adjacent property, and traffic and speed control devices.
- Virginia Department of Transportation for road matters.
- Environmental engineering department:
 - adequacy of drainage and erosion control measures;
 - flood and dam break inundation protection;
 - compliance with established design criteria, construction standards and specifications for all required road and drainage improvements; and
 - compliance with Chesapeake Bay preservation, Upper Swift Creek watershed and floodplain districts requirements.
- Utilities department:
 - adequacy of water supply and wastewater facilities; and
 - compliance with established design criteria, construction standards and specifications for all required public water and wastewater improvements.
- Building inspections department for fire protection and compliance with provisions of Fire Prevention and Uniform Statewide Building codes.
- Health department for private water and wastewater systems.
- Police department for police protection and safety codes.



B. **Review Time.** In accordance with the following review time periods, the applicant shall be notified in writing of the approval or disapproval of the plan, giving specific reasons in accordance with the reviewing departments' recommendations:

1. **Initial Review.** The site plan shall not be acted upon any sooner than 10 days from the latter of the date on which the property was posted or written notice was sent. If an aggrieved person files a written request with the planning department within 10 days of latter of the date on which the property was posted or the written notice was sent, the plan shall not be acted upon any sooner than 21 days of the latter date. If practicable, within 30 days, but not more than 60 days, of the date of submission of the plan, the planning department shall approve or disapprove the plan. This time period may be extended if review by a state agency is necessary, in which case, the plan shall be approved or disapproved within 35 days of receipt of the agency's comments. If written comments have not been received from the Virginia Department of Transportation (VDOT) within 90 days after VDOT receives the plans from the planning department, the planning department may assume that there are no comments and may act on the plan. If the planning department fails to approve or disapprove the plan within the allowable time period, the applicant, after 10 days' written notice to the director of planning, may petition the circuit court to decide whether the site plan should be approved or not.
2. **Subsequent Review of Revised Plan Following Disapproval.** Within 45 days of the date of submission of a revised plan which has been previously disapproved, the planning department shall approve or disapprove the revised plan. This time period may be extended if review from a state agency is necessary, in which case, the plan shall be approved or disapproved within 35 days of receipt of the agency's comments. If written comments have not been received from the Virginia Department of Transportation (VDOT) within 90 days after VDOT receives the plans from the planning department, the planning department may assume that there are no comments and act on the plan. If the planning department fails to approve or disapprove the plan within the allowable time period, the applicant, after 10 days' written notice to the director of planning, may petition the circuit court to decide whether the site plan should be approved or not.

C. **Appeals and Transfers.**

1. **Eligibility and Time Limits for Appeal of Decision or Transfer Request.**

- a. **Applicant.** If the planning department approves or disapproves the plan and the applicant disagrees with the final decision, he may file a written appeal with the planning commission within 15 days of the date of the decision.
- b. **Aggrieved Person.** An aggrieved person may request in writing within 15 days of the date of the decision that the application be decided by the planning commission instead of the planning department. The transfer request shall explain how the development shown on the plan will adversely affect the person and is limited to the following matters:

- land use transitions;
- buffers and screening;
- zoning approval conditions;
- architectural treatment;
- features affecting nearby residential areas;
- access and internal circulation;
- Chesapeake Bay Preservation area delineation;
- Improvement sketch processing;
- drainage;
- water and wastewater line location; or
- features affecting public safety.

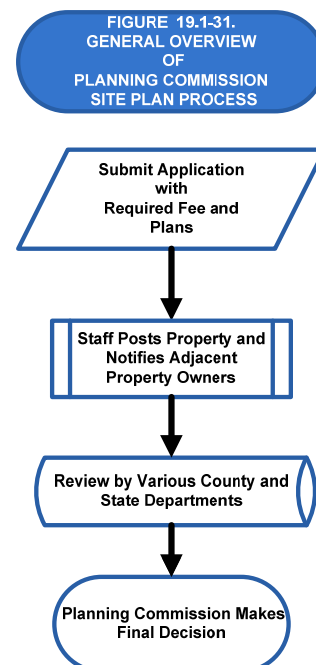
In addition for the purposes of bikeways as provided in Section 19.1-208, transfer of review may be requested in accordance with this section provided that the person shall not be aggrieved solely because they would be reasonably calculated to use such bikeway.

2. **Commission Consideration of Appeal and Transfer Request.** The commission shall fix a reasonable time for hearing the appeal or transfer request and decide the same within 60 days of the applicant's site plan submission. This time period shall be extended in accordance with administrative site plan time review periods if review by a state agency is required. The commission may affirm, modify or reverse the decision.
3. **Cessation of Improvements Pending Decision of Appeal or Transfer Request.** Until the planning commission renders a decision, a building permit or a land disturbance permit shall not be issued for any construction that could be affected by the appeal, and the director of planning shall issue a stop work order instructing the cessation of any construction that could be affected by the appeal.

(Ordinance of 10-26-16)

Sec. 19.1-31. Planning Commission Site Plan Review.

- A. **Review by Department and Agencies.** Site plans submitted for planning commission consideration shall be reviewed and recommendations made by those departments outlined for administrative site plan review. Based upon those recommendations, the planning department shall make a recommendation to the planning commission. The planning commission may approve, with or without conditions. If the planning commission disapproves, a site plan it shall do so in writing giving specific reasons for the action.



B. Review Time.

1. **Initial Review.** Within 60 days of the date of submission of the plan, the planning commission shall approve or disapprove the plan. This time period may be extended if review by a state agency is necessary, in which case, the plans shall be approved or disapproved within 35 days of receipt of the agency's comments. If written comments have not been received from the Virginia Department of Transportation (VDOT) within 90 days after VDOT receives the plans from the planning department, the County may assume that there are no comments and may act on the plan. If the planning commission fails to approve or disapprove the plan within the allowable time period, the applicant, after 10 days' written notice to the director of planning, may petition the circuit court to decide whether the site plan should be approved or not.
2. **Subsequent Review of Revised Plan Following Disapproval.** The planning commission shall act on a plan that has been previously disapproved within 45 days of the date of submission of a revised plan. This time period may be extended if review by a state agency is necessary, in which case, the plans shall be approved or disapproved within 35 days of receipt of the agency's comments. If written comments have not been received from the Virginia Department of Transportation (VDOT) within 90 days after VDOT receives the plans from the planning department, the County may assume that there are no comments and may act on the plan. If the planning commission fails to approve or disapprove the plan within the allowable time period, the applicant, after 10 days' written notice to the director of planning, may petition the circuit court to decide whether the site plan should or should not be approved.

- C. **Appeals.** If the applicant disagrees with the final decision of the planning commission, he may file a written appeal with the circuit court within 60 days of that decision. In addition, any aggrieved person may contest the planning commission's final decision if permitted by state law.

Sec. 19.1-32. Adjustments to Approved Site Plan.

Except as provided below, minor adjustments to an approved site plan may be approved administratively by the planning department, with the concurrence of affected reviewing departments, provided the adjustment complies with this chapter, the intent of the original approving body, and the general purpose of the comprehensive plan.

Changes that were involved in an appeal, part of an agreement with adjacent property owners, or that relate to a condition of zoning approval requiring planning commission review and approval shall not be eligible for administrative adjustment; instead, they shall be reviewed through the same process under which original approval occurred.

Sec. 19.1-33. Time Period for Validity of Site Plan.

- A. **Initial Site Plan Approval.** An approved site plan shall become null and void if no significant work is done and no development occurs within 5 years of the date of the final approval.
- B. **Extension.** Prior to expiration of an approved site plan, if the applicant requests an extension, the planning department may grant extensions for additional periods as determined to be

reasonable, taking into consideration the size and phasing of the development, and the laws, ordinances and regulations in effect at the time of the extension request.

- C. **Appeal of Decision to Deny Extension.** If an extension request is denied, the applicant may file a written appeal with the planning commission within 15 days of the date of the denial. The commission shall fix a reasonable time for hearing the appeal and decide the same within 60 days of the date of submission of the appeal. The commission may affirm, modify or reverse the decision.

Sec. 19.1-34. through 19.1-39. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94253.1
10/26/2016	2	Bikeways	96806.3

DIVISION 5. APPLICATIONS, FEES AND NOTIFICATION

Sec. 19.1-40. Applications.

A. Application Initiation.

1. **Zoning Approval.** An application for zoning approval may be initiated by resolution of the board of supervisors, motion of the planning commission, or petition by any of the following: property owner, contract purchaser with the property owner's written consent, or the property owner's agent with the property owner's written consent. In addition, a substantial accord application for a county facility may also be initiated by the director of any county department or county office, and by school administration with the approval of the school board.
2. **Appeals to Board of Zoning Appeals.** Applications for appeal to the board of zoning appeals may be made by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision made by the director of planning or any other administrative officer of the county relating to this chapter.
3. **Historic District, Landmark, and Landmark Sites.** Applications for historic district, landmark or landmark site designation or for the withdrawal of such designation may be initiated by resolution of the board of supervisors, motion of the planning commission, or petition by any of the following: property owner, contract purchaser with the property owner's written consent, or the property owner's agent with the property owner's written consent.
4. **All Other Applications.** All other applications may be initiated as outlined in this chapter for the specific process.

B. Application Requirements.

1. **Filing and Distribution for Review.** Applications shall be filed with the planning department on forms prescribed by the director of planning. The application shall be accompanied by plans or data as outlined in this chapter for a specific process as well as information or materials necessary to comprehensively review the request as may be determined by the director of planning. The director of planning shall review the application for completeness and compliance with this chapter, other development regulations and administrative requirements prior to forwarding copies to other reviewing agencies or officials. If deemed incomplete or not in compliance, the application shall not be accepted for processing.

An accepted application shall be forwarded from the planning department to the appropriate departments, agencies, committees, commissions or boards. If approval of a feature of a site plan by a state agency or public authority authorized by state law is necessary, the director of planning shall forward the site plan to the appropriate state agency or agencies for review within 10 business days of receipt.

2. **Application Disclosure for Zoning Approval and Appeals to the Board of Zoning Appeals.**

- a. Exemptions. An application for zoning approval initiated by the board of supervisors or planning commission may be filed without providing the following disclosures, if the board or commission finds that the disclosure requirement should be waived to further an appropriate governmental interest such as, but not limited to, economic development.
- b. Requirements. Except as provided in 2.a., an applicant seeking zoning approval or an appeal to the board of zoning appeals relative to the decision of the director of planning shall furnish the following information with the form, and update the information prior to each public hearing if a change has occurred:
 - The names and addresses of all persons owning any legal or equitable interest in the real property which is the subject of the application as a title owner, lessee, easement owner, contract purchaser, assignee, optionee, licensee or note holder, including trustees, beneficiaries of trusts, general partners, limited partners and all other natural or artificial persons owning any such interest; however, the names and addresses of governmental entities and public service companies owning recorded easements over the subject property need not be disclosed;
 - If any of the persons disclosed is a corporation, then the application shall also list the names and addresses of any shareholders who own 10 percent or more of any class of stock issued by such corporation and, if such corporation has 10 or fewer shareholders, a list of the names and addresses of all the shareholders. If any of the persons disclosed is a partnership, joint venture, trust or artificial person other than a corporation, then the application shall also list the names and addresses of any persons having any interest therein equal to 10 percent or more of the total of all such interests and, if 10 or fewer persons own all such interests, a list of the names and addresses of all such persons. For any corporation, partnership, joint venture, trust or other artificial person whose owners are unknown to the applicant and whose identities cannot be ascertained by the exercise of due diligence, and for any corporation that has more than 100 shareholders or whose stock is regularly traded on a stock exchange or in the over-the-counter market, the applicant may so certify in lieu of providing a list of its stockholders or other persons having an interest therein; and
 - If any of the persons disclosed is a corporation, partnership, joint venture, trust or other artificial person, the application shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether any member of the planning commission or board of supervisors or of any of their immediate households owns any interest in the real property which is the subject of the application as a title owner, easement owner, contract purchaser, lessee, assignee, optionee or licensee, either individually or by ownership of an interest in a corporation, trust, partnership, joint venture or other entity owning any such interest. If any member of the planning commission or board of supervisors or any of their immediate households owns any such interest, the application shall identify each such commissioner, supervisor or household member and describe the nature and extent of his ownership interest. Otherwise, no further disclosure of the ownership of the real property which is the subject of the application is required.

Sec. 19.1-41. Fees.

The fees shown in Tables 19.1-41.A., B. and C. shall be submitted in conjunction with the specified application or request, provided, however, fees for a single application shall not exceed \$75,000. Fees shall be waived for any County department or agency excluding the Chesterfield County Airport, Utilities Department and Public Schools.

Except where otherwise stated, each application shall be limited to either a single lot, a combination of lots provided the lots are contiguous to each other, or any combination of lots which were the subject of the same condition of a zoning approval.

Acreage fees shall be prorated on any portion in excess of each whole acre.

Table 19.1-41. A. Planning Commission and Board of Supervisors Application Fees

Application Type		Fee (in dollars)
Rezoning		1400 plus 70 per acre in excess of 1 acre ^{[1][2]}
Conditional Use or Conditional Use Planned Development^[3]	Communication Tower	4000 ^[2]
	Landfill, Quarry, Mine or Borrow Pit	7500 plus 100 per acre in excess of 1 acre ^[2]
	Adult Business	7500 plus 100 per acre in excess of 1 acre ^[2]
	Use Incidental to Principal Dwelling to include Family Day Care Home	300 ^[2]
	Recreational Facility and Grounds Primarily Serving Surrounding Residential Community	300 ^[2]
	All Others	1400 plus 70 per acre in excess of 1 acre ^{[1][2]}
Substantial Accord	Communication Tower	4000 ^[2]
	All Others	1400 plus 70 per acre in excess of 1 acre ^[2]
Manufactured Home Permit		200
Resource Protection Area Exception	Single Family Dwelling or Accessory Use to Single Family Dwelling	300
	All Others	2300
Amend Conditions of Previously Approved Application^[3]	Use Incidental to Principal Dwelling to include Family Day Care Home or Resource Protection Area Single Family Dwelling	300 ^[2]
	Recreational Facility and Grounds Primarily Serving Surrounding Residential Community	300 ^[2]
	Manufactured Home Permit	200
	All Others	2000 for first 2 conditions plus 1000 for each condition thereafter (includes condition of textual statement) ^{[1][2]}
Deferral Request by Applicant of Planning Commission or Board of Supervisors' Public Hearing/Meeting^[3]		1000 for first deferral plus 2000 for each deferral thereafter ^[1]

Notes for Table 19.1-41.A.

- [1] For any office, commercial or industrial use within an enterprise zone, enterprise subzone or technology zone as designated by the county code, an application fee shall not be required provided the director of planning determines that the request is in compliance with the comprehensive plan.
- [2] One application may be made for any combination of the requests footnoted as [2]. The fee for any combination of these requests shall not be cumulative; rather the fee shall be based upon the category having the highest fee.
- [3] If a use does not conform to the zoning district in which located, a business license was issued for the use, and the holder of the license has operated continuously in the same location for at least 15 years and paid all local taxes for the use, the holder of the business license shall be exempt from the fee when applying for approval to permit the use.

Table 19.1-41.B. Board of Zoning Appeals and Administrative Fees

Application Type		Fee (in dollars)
Variance	Administrative	300 ^[1]
	Board of Zoning Appeals	300 ^[2]
Special Exception	Manufactured Home	200 ^[2]
	All Others	300 ^[2]
Amend Conditions of Previously Approved Application		300 ^{[1][2]}
Appeal Planning Director's Decision on Zoning Matters		700
Deferral request by applicant of Board of Zoning Appeals Public Hearing		200
Planning Permit or Written Determinations	Temporary Family Health Care Unit	100
	Written Determinations	150

Notes for Table 19.1-41.B.

- [1] One application may be made on a single lot for any combination of the requests footnoted as [1]. The fee for any combination of these requests shall not be cumulative; rather the fee shall be based upon the category having the highest fee.
- [2] One application may be made on a single lot for any combination of the requests footnoted as [2]. The fee for any combination of these requests shall not be cumulative; rather the fee shall be based upon the category having the highest fee.

Table 19.1-41.C. Building Permit, Sign Permit, Schematic Plan and Site Plan Fees

Application Type		Fee (in dollars)
Building Permit for New Single, Two Family or Townhouse Dwelling		40 per unit
Sign Permit	Planning	0
	All others	200
Schematic or Overall Development Plan		1400 plus 70 per acre in excess of 1 acre
Adjustment/Amendment to Approved Schematic, Overall Development Plan or Site Plan		700 per submittal
Site Plan	Initial Submittal plus 2 Revision Submittals	1400 plus 70 per acre in excess of 1 acre ^[1]
	Submittals Subsequent to First 3 Submittals	350 per submittal ^[1]
	Appeal Planning Director's Decision on Site Plan	700
	Plan Transfer to Electronic Format per Sec. 19.1-27.G.	130
Deferral Request by Applicant of Planning Commission Hearing/Meeting		1000 for first deferral plus 2000 for each deferral thereafter ^[1]

Notes for Table 19.1-41.C.

[1] For any office, commercial or industrial use within an enterprise zone, enterprise subzone or technology zone as designated by the county code, an application fee shall not be required.

(Ordinance of 9-16-15; Ordinance of 12-16-15; Ordinance of 10-25-17; Ordinance of 6-24-20)

Sec. 19.1-42. Notices and Posting.

- A. **Notice Generally and Contents of Notice.** Unless otherwise stated in this chapter, the planning department shall prepare a notice for each zoning approval, appeal of the planning director's decision, interpretation of a zoning district map, historic district or designation of historic district or landmark sites, comprehensive plan amendment, ordinance amendment, schematic plan, administrative site plan, or planning commission site plan. The notice for the proposal shall give a descriptive summary of the application, the location of the property if applicable, and where copies of the proposal may be examined. Such notices shall specify the time and place of any hearing at which persons affected may appear and present their views.

For zoning approval applications except for substantial accords, the notice shall also state the general usage and density range of the proposal and the general usage and density, if any, set forth in the applicable part of the comprehensive plan.

For administrative variances, the notice shall also state that the planning director will approve or disapprove the application no sooner than 21 days of the postmarked date of notice and advise the recipient of the opportunity to respond in writing to the application prior to the expiration of the 21 days.

- B. **Newspaper.** Notice of a hearing for the following proposals shall be advertised once a week for two successive weeks in a newspaper published, or having general circulation, in the county. The hearing shall be held not less than 5 days nor more than 21 days after final publication.

- zoning approval or zoning district map amendment;
- ordinance or amendment thereto;
- appeal of decision of the director of planning to the board of zoning appeals;
- interpretation of the zoning map by the board of zoning appeals;
- comprehensive plan amendment; or
- a historic district or designation of landmark or landmark site.

- C. **Exemptions to Property Posting and Adjacent Property Owner Notification Requirements.** Posting of property and notification of adjacent property owners, as outlined in this section, shall not be required when the hearing involves:

- an application for zoning approval of 26 or more lots initiated by resolution of the planning commission or board of supervisors; or
- an appeal of the decision of the director of planning to the board of zoning appeals concerning 26 or more lots, or no specific property.

D. **Posting of Property.** The planning department shall post a notice of the application on the land or building involved for each application for zoning approval, appeal of the planning director's decision, schematic plan, administrative site plan, or planning commission site plan. The notice shall be posted at reasonable intervals along roads abutting the subject property, or, if there is no abutting road, at the proposed road or entrance into the property, in locations reasonably visible from existing roads. The holding of a public hearing or the validity of action on an application shall not be affected by the unauthorized removal of a notice which has been posted in accordance with this section. Postings shall meet the following deadlines:

1. **Administrative Site Plans.** Posting shall occur at least 10 days prior to the approval or disapproval of an administrative site plan; and
2. **Administrative Variances.** Posting shall occur at least 14 days prior to the approval or disapproval of an administrative variance.
3. **All Other Applications.** Posting shall occur at least 21 days before the date of the first hearing.

E. **Notice to Subject Property Owners, Adjacent Property Owners and Specific Others.**

1. **Notice Recipients.** For properties located within the county, staff will obtain the names and addresses of property owners from the department of real estate assessments. For property which lies outside the county, the applicant shall provide the planning department with the names and addresses of those property owners which shall be obtained from the real estate assessor's office of the applicable locality.
 - a. Zoning Approval, Appeal of the Decision of the Director of Planning, Historic District or Landmark Designation, Schematic Plan, Administrative Site Plan or Planning Commission Site Plan Applications. The planning department shall provide written notification of these applications to the following:
 - the owner of the subject property;
 - persons owning any adjacent property, including property across any road, railroad right-of-way, or body of water;
 - if the subject property is located at, or within 100 feet of, the intersection of any 2 or more roads or within 100 feet of the intersection of the right-of-way of any 2 railroads, the owners of property situated at all corners of the intersection;
 - if the subject property is located within 0.5 miles of the boundary of an adjoining locality, that locality's chief administrative officer or designee;
 - if the subject property is located within 3,000 feet of the boundary of a military base, installation, airport, excluding armories operated by the Virginia National Guard, the commander of the applicable military operation; and

- if the subject property is located within 3,000 feet of the boundary of a public use airport, the owner of the airport.
- b. Amendment to Condition of Zoning, Conditional Use, or Conditional Use Planned Development. In addition to those persons outlined in 1.a., the planning department shall notify in writing all owners whose property was subject to the original zoning or condition provided such property is located within 1,500 feet of the subject property.
- c. Zoning Approval. In addition to those persons outlined in 1.a. and 1.b., if the subject property is located within a development containing open space, the planning department shall notify in writing any incorporated property owner's association within the development.
- d. Zoning Ordinance Text Amendments Decreasing Allowable Density. Except for the owners of subdivision lots having less than 11,500 square feet, the planning department shall notify, in writing, the owners of property which may be impacted by a zoning ordinance text amendment that would decrease the allowable dwelling unit density of their lot.
- e. Zoning Approval for a Communications Tower. In addition to those persons outlined in 1.a., 1.b. and 1.c., the planning department shall notify in writing all owners of property within 1,500 feet of the subject property.
- f. Comprehensive Plan Amendments. The planning department shall provide written notice of a proposed comprehensive plan amendment to the following:
 - if the proposed amendment impacts property within 0.5 miles of the boundary of an adjacent locality, that locality's chief administrative officer or designee;
 - if the subject property is within 3,000 feet of the boundary of a military base, installation, airport, excluding armories operated by the Virginia National Guard, the commander of the applicable military operation; and
 - if the subject property is within 3,000 feet of the boundary of a public use airport, the owner of the airport;
 - if the proposed amendment designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

2. Notice Deadline.

- a. For those applications requiring notice to commanders of military operations or owners of public use airports, the notice shall be postmarked a minimum of 30 days before any hearing.

- b. For those applications requiring notice to an electric utility or an adjacent locality's chief administrative officer or designee, the notice shall be postmarked a minimum of 10 days before any hearing.
 - c. Administrative site plan and planning commission site plan notices shall be postmarked a minimum of 10 days prior to approval or disapproval of the plan.
 - d. Schematic plan notices shall be postmarked a minimum of 21 days before any hearing.
 - e. Administrative variance notices shall be postmarked a minimum of 21 days prior to approval or disapproval of the variance.
 - f. All other required notices shall be postmarked a minimum of 15 days before any hearing.
3. **Notice Mailing.** The required notice shall be sent by registered, certified or first class mail. If the notice is provided by first class mail, the planning department shall make affidavit that the mailings were made and file the affidavit with the papers of the case. If a public hearing is continued or deferred to a date that has not previously been advertised, notice shall be re-mailed. If a public hearing is either continued, deferred to a date that has been previously advertised, or if a public hearing is closed and the decision deferred to a later date, notice shall not be required to be re-mailed.
4. **Waiver of Notice.** A person shall be deemed to have waived the right to challenge the validity of proceedings for which written notice is required if the person did not receive the required notice, but had actual notice of, or actively participated in, the proceedings.

(Ordinance of 4-26-17)

Sec. 19.1-43. Zoning Approval Applications within 12 Months of Denial.

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

Sec. 19.1-44. through 19.1-49. Reserved

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	2	Date of Adoption	94254.2
9/16/2015	3	Signs & Associated Fees	94962.1 & verbal changes at public hearing
12/16/2015	4	Public Hearing/Meeting Deferral Fees & Sign Permit Requirements & Related Fee	95415.1
4/26/2017	5	Mailed Written Notice	98260.1
	6	Deleted	
10/25/2017	7	Nonconforming Uses & Related Fees	98702.1
	8,9	Versions not used	
6/24/2020	10	EMC Sign and Communication Tower Fees	116650.1

ARTICLE III. DISTRICTS

DIVISION 1. GENERAL PROVISIONS

Sec. 19.1-50. Districts Enumerated.

- A. **Zoning Districts**. For the purpose of this chapter, the county is divided into the following zoning districts:
1. Single Family Residential referred to as “R” Districts:
 - R-88
 - R-40
 - R-25
 - R-15
 - R-12
 - R-C
 - R-9
 - R-7
 2. Townhouse Residential referred to as “R-TH” Districts: R-TH
 3. Multifamily Residential District referred to as “R-MF” Districts: R-MF
 4. Manufactured Home District referred to as “MH” Districts:
 - MH-1 Manufactured Home Park
 - MH-2 Manufactured Home Subdivision
 - MH-3 Manufactured Home Park
 5. Agricultural District referred to as “A” Districts: A
 6. Office District referred to as “O” Districts:
 - O-1 Neighborhood
 - O-2 Corporate
 7. Commercial District referred to as “C” Districts:
 - C-1 Convenience
 - C-2 Neighborhood
 - C-3 Community
 - C-4 Regional
 - C-5 General

8. Industrial District referred to as "T" Districts:

- I-1 Light
- I-2 General
- I-3 Heavy

B. **Overlay Districts**. Zoning districts may also lie within overlay districts which may include sub-districts. Overlay districts include:

- Design Districts;
- Historic and Landmark;
- Floodplain;
- Chesapeake Bay Preservation; and
- Upper Swift Creek Watershed.

Sec. 19.1-51. Zoning Maps.

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

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

B. **Zoning District Boundary Uncertainty**. Whenever uncertainty exists regarding the location of the boundary line of a zoning or special district shown on the zoning maps, the boundary lines shall be determined as follows:

- as shown on any map or plat which accompanied the zoning approval request;
- using the center line of any road or alley nearest the periphery of the district;
- using the property line of the lots or blocks nearest the periphery of the district if there is no road or alley; or
- using the distance as measured on the zoning district maps.

C. **Adjustment of Boundary Due to Vacation of Right-of-Way**. Whenever any road, alley or other right-of-way is vacated by official action, the zoning district adjoining each side of the road, alley or right-of-way shall automatically be extended to the center line of the vacation.

History of Amendments	
<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94255.1

DIVISION 2. USES

Sec. 19.1-52. Uses Generally.

- A. **Prohibited Uses.** In R, R-TH, R-MF, and MH Districts, a shipping container, manufactured home, trailer, vehicle body or similar container shall not be used or converted for another use such as, but not limited to, a garage, storage building or boat house.
- B. **Uses Not Enumerated.** A blank cell in Table 19.1-52.A. indicates that the identified use is not allowed in the respective zoning district unless one of the following determinations is made:
1. **Accessory Uses.** In each zoning district, accessory uses, buildings and structures which are not otherwise listed or prohibited and which are customarily accessory and incidental to the principal use, building or structure shall be permitted, as determined by the director of planning.
 2. **Other Uses.** Uses not specifically enumerated in Table 19.1-52.A. may be allowed by either conditional use or special exception subject to the following:
 - a. **Conditional Use.** Uses that are not enumerated which have the same general character as those uses allowed by right or with restrictions in the respective zoning district may be allowed by Conditional Use if the director of planning makes a finding that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed by right or with restrictions in the district.
 - b. **Special Exception.** Uses that are not enumerated which have the same general character as those uses allowed by special exception in the respective zoning district may be allowed by special exception if the director of planning makes a finding that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed by special exception.

For both a and b the finding by the director of planning shall be based upon, but not limited to, the following considerations for the proposed use: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure(s); noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation.
- C. **Enumerated Uses.** Table 19.1-52.A. outlines the uses permitted by right, with restrictions, as accessory, by Conditional Use, by Special Exception or by Manufactured Home Permit in each zoning district.

1. **Uses Permitted by Right.** "P" indicates that the use is allowed by right in the respective zoning district.
2. **Uses Permitted with Restrictions.**
 - a. "R" indicates that the use is permitted subject to certain restrictions in the respective zoning district. The restrictions for the uses noted with "R" are listed in Section 19.1-53. If the restrictions in Section 19.1-53. cannot be met, the use may be allowed by Conditional Use.
 - b. "R(1)," "R(2)" or "R(3)" indicates that the use is permitted subject to certain restrictions in the respective zoning district. The restrictions for the uses noted with "R(1)," "R(2)," or "R(3)" are listed at Section 19.1-54. If the restrictions in Section 19.1-54. cannot be met, the use may be allowed by Conditional Use.
 - c. "RS" indicates the use is permitted with restriction in the respective zoning district. The restrictions are listed in Section 19.1-53. If the restrictions in Section 19.1-53. cannot be met, the use may be allowed by Special Exception.

In an A District, for a manufactured home which does not meet the restrictions, the board of zoning appeals may grant a Special Exception for temporary manufactured home for a maximum of 7 years.

3. **Accessory Uses.** "A" indicates that the use is allowed as a customarily, accessory use in the respective zoning district. In each zoning district, accessory uses, buildings and structures which are not otherwise listed or prohibited and which are customarily accessory and incidental to the principal use, building or structure shall be permitted, as determined by the director of planning.
4. **Uses Permitted by Conditional Uses.** "C" indicates that the use may be allowed by Conditional Use in the respective zoning district.
5. **Uses Permitted by Special Exception.** "S" indicates that the use may be allowed by Special Exception in the respective zoning district.
6. **Manufactured Home Permit.** "M" indicates that the use may be allowed by a Manufactured Home Permit in the respective zoning district. Temporary Manufactured Home Permits may be granted by the board of supervisors for a limited time, and with or without other conditions, under the following circumstances:
 - a. In an R-7 District, for a maximum of 7 years.
 - b. In all R Districts, when the principal residence has been rendered uninhabitable by fire or Act of God.

- c. In a C-5 District, where the manufactured home will be the principal residence of the owner/operator or employee of the business located on the property.
- d. In an I-1 District if a manufactured home has been legally on the property within the past 6 months.

D. Special Limitations for Specific Uses. The following uses shall be subject to the limitations as specified:

1. **Motor Vehicle Service Stations and Public Garages.** Any motor vehicle self-service or service station, motor vehicle repair shop, or public garage, which has above ground tanks shall be set back as follows from any property line of a residential use, school, playground, church, hospital, library or institutional building:
 - vehicular entrances or exits to a public road: more than 200 feet; and
 - all uses associated with the operation more: than 100 feet.
2. **Alcoholic Beverage Sales Near Public Schools.** Notwithstanding any provisions in this chapter to the contrary, a Conditional Use shall be required for all commercial establishments seeking to sell alcoholic beverages, as defined in the Code of Virginia, for on-premises consumption, within 500 linear feet of a school that is owned or operated by the county and built after December 15, 1993. This limitation shall not apply to the sale or consumption of wine at a farm winery licensed in accordance with Code of Virginia. Schools built on, or prior to December 15, 1993, include the following: Bailey Bridge Middle, Bellwood Elementary, Bensley Elementary, Bermuda Elementary, Beulah Elementary, L.C. Bird High, Bon Air Elementary (IDC), Bon Air (Primary) Elementary, Chalkley Elementary, Chesterfield Community High, Chesterfield Technical, Clover Hill Elementary, Chesterfield Career and Technical Center at Hull, Thelma Crenshaw Elementary, Crestwood Elementary, Curtis Elementary, A.M. Davis Elementary, Dupuy Elementary (Ettrick Annex), Ecoff Elementary, Enon Elementary, Ettrick Elementary, Evergreen Elementary, Falling Creek Elementary, Falling Creek Middle, Fulghum Center, O.B. Gates Elementary, W.W. Gordon Elementary, Grange Hall Elementary, Greenfield Elementary, Harrowgate Elementary, J.G. Henning Elementary, Hopkins Elementary, Jacobs Elementary, Manchester High, Manchester Middle, Matoaca Elementary, Old Matoaca High, Matoaca Middle, Meadowbrook High, Midlothian Elementary (Swift Creek Middle Annex), Midlothian Middle, Midlothian High, Monacan High, Perrymont Middle, Providence Elementary, Providence Middle, Reams Elementary, Robious Elementary, Robious Middle, Salem Elementary, Salem Middle, Alberta Smith Elementary, Swift Creek Elementary, Swift Creek Middle, Thomas Dale High, Thomas Dale High School 9th Grade Campus, Union Branch Elementary, Union Grove Elementary, Vehicle Maintenance (Courthouse), Vehicle Maintenance (Walmsley), J.B. Watkins Elementary, C.C. Wells Elementary, Winterpock Elementary, Woolridge Elementary.
- a. During the review of business license applications, the planning department shall determine whether a commercial establishment intends to sell alcoholic beverages for on-premises consumption and whether it is located within 500 linear feet of a county owned and operated school built after December 15, 1993. If the planning department cannot

- determine whether the commercial establishment is located more than 500 linear feet from such school, the commercial establishment shall provide a certification from a registered surveyor confirming the distance from the commercial establishment to the school. If the commercial establishment fails to provide the surveyor's certification, it shall be presumed that the establishment is within 500 linear feet of the school.
- b. A commercial establishment that holds a valid alcoholic beverage license from the Virginia Alcoholic Beverage Control Board at the time a school that is owned or operated by the county locates within 500 linear feet of the commercial establishment shall not become a nonconforming use or be required to obtain a conditional use permit solely by virtue of the location of such school, so long as such license remains in force, is reissued as provided by law or, if such establishment is sold to a new owner, a valid license is issued to the new owner and such license remains in force or is reissued as provided by law.
 - c. The required distances shall be measured by extending a straight line from the nearest property line (not the lease line) of the establishment selling alcoholic beverages to the nearest property line of the school.
3. **Landfill, construction, demolition and debris.** In addition to other or more stringent requirements imposed by the board of supervisors at the time of zoning approval, construction, demolition and debris landfills shall be subject to the following limitations and requirements:
- a. Permitted Disposal Material. Waste shall be limited to:
 - stumps, wood, brush and leaves from land clearing operations;
 - lumber, wire, sheetrock, brick, shingles, glass, pipe, concrete, metal, plastics or any empty containers of such materials from construction sites;
 - waste from the demolition of buildings and structures and their foundations, including construction waste; and
 - inert waste to include concrete, broken brick, brick, blocks and rubble.
 - b. Cell Design.
 - Either a cell liner equivalent to 12 inches of impermeable clay (1×10^{-7} CM/SEC), or a synthetic liner over a 12-inch soil cushion shall be installed;
 - An 18 inch sand drainage blanket shall be installed over the liner;
 - A 5 foot separation shall be maintained from the waste material to the seasonally high groundwater table, as determined by field measurement;
 - The minimum liner center line slope shall be 2 percent unless otherwise approved at the time of plan review;

- The minimum liner cross slope shall be 2 percent unless otherwise approved at the time of plan review; and
 - A final cap consisting 12 inches of compacted clay with a permeability of 1×10^{-7} CM/SEC or equivalent, minimum of 12 inches of soil for final grading, and 24 inches of compacted soil for vegetative cover shall be installed over each cell.
- c. Compaction and cover.
- A compacted soil cover shall be used as required to prevent erosion and safety hazards. A minimum one-foot-thick progressive cover shall be maintained weekly so that the top of the lift is fully covered at the end of the workweek. A fire break shall be installed on the work face as required in the state facility permit and the working face shall be kept as small as practicable.
 - Debris shall be spread in shallow layers no higher than 20 feet and compacted. Before a new lift is started, all side slopes shall be covered with finished slopes which comply with the solid waste management regulations of the state department of waste management.
 - Cover material stockpiles shall be located adjacent to the working face.
- d. Drainage and erosion control.
- Adequate channel evaluations, as determined by the director of environmental engineering, for the proposed improvements and evaluation of onsite and offsite drainage shall be made;
 - Soil and erosion control plans shall be prepared in accordance with county requirements and policies;
 - After every storm, the operator shall inspect all erosion control devices and repair such devices as needed;
 - All denuded slopes that will be exposed for periods in excess of 90 days shall have proper silt fencing, and with the exception of the working face of one stockpile of fill material, each denuded slope shall be seeded in the first planting season following the establishment of each slope. Slopes lacking an adequate vegetative cover to prevent erosion shall be reseeded during the next planting season; and
 - Soil stock pile areas shall have silt traps and fencing.
- e. Groundwater monitoring.
- The operator shall secure monitoring wells with steel casings and locks;
 - Wells shall be sampled in accordance with the permit and operations plan; and

- Results of all groundwater monitoring shall be reported directly to the county by the analytical testing laboratory.
- f. Leachate contingency plan.
- In some instances, leachate collection and treatment may be installed on a contingency basis, when and if a leachate problem develops;
 - The operator shall immediately notify the county when any leachate discharge is released and of the procedures that will be employed to contain the discharge prior to removal; and
 - The contingency plan shall be filed with the county prior to the commencement of disposal operations.
- g. Buffers and Setbacks.
- A 100 foot buffer shall be maintained between any disturbed area and adjacent property unless the board of supervisors approves a reduced buffer containing landscaping or other features which provide the same protection to adjacent property as a 100 foot buffer and the requirements of Section 19.1-263.A.3. are met;
 - A 100 foot buffer shall be maintained between any disturbed area and any wetlands, 100 year floodplains or flowing streams;
 - A 200 foot buffer shall be maintained between any disturbed area and any residential, recreational or school use or any A property designated on the comprehensive plan for residential, recreational or school use; and
 - A 200 foot setback shall be maintained from any active water supply well.
- h. Access Control and Entrance Road.
- Natural barriers, fencing or an equivalent means of controlling vehicular traffic shall be provided around the facility
 - All access roads shall be gated, secured and locked to preclude access into the site when the landfill is not opened for operation or the gate is unattended;
 - The entrance road, taper and turn lanes shall be paved in accordance with Virginia Department of Transportation standards;
 - The entrance road shall be paved for a distance of 300 feet into the property from its intersection with a road unless the director of transportation determines at the time of plan review that a shorter distance will provide adequate access and internal circulation;
 - Adequate onsite stacking capacity for vehicles shall be provided onsite; and

- Beyond the gate house, vehicular access areas shall have an all-weather surface designed to support truck traffic;
- i. Operations.
- The operator shall be responsible for maintaining the appropriate personnel to operate the site efficiently and effectively. At all times that the gate is opened and the site is receiving waste, the gate attendant and/or operator shall be on duty inspecting loads and spreading and compacting the waste.
 - A gate attendant or operator shall be present when the site is open and receiving debris. To prevent dumping of unauthorized materials, the gate attendant or operator shall inspect each load from an elevated point which allows clear visibility into the load. Loads suspected of containing unauthorized material shall be turned away;
 - The gate attendant shall maintain a log of all received waste loads that includes the date, hauler, estimated volume, type of waste, source of waste (subdivision, development, location), and cell location in which waste was deposited;
 - For sites operating with a single on-site person, a maximum of 1 truck shall be unloaded at any one time. The unloading shall occur in the presence of the on-site person to ensure proper load inspection and control; and
 - The equipment operator shall separate all materials other than that permitted for identification before pushing into the working face. The holder of the landfill permit shall be responsible for the removal of all deposited unauthorized wastes to a site licensed to handle such materials.
- j. Equipment. The operator shall have suitable backup or replacement equipment to maintain the operation during a period of equipment breakdown. The operator shall have suitable equipment for operating the site and performing the following functions:
- spreading and handling waste;
 - transporting cover material from stockpiles;
 - sweeping dust and mud from roads and entrances;
 - watering down access roads for dust control; and
 - maintaining slopes and erosion control devices.
4. **Solar energy facility, large scale.** Unless modified or otherwise conditioned by the Board of Supervisors at time of zoning approval, large scale solar energy facilities shall be subject to the following limitations and requirements:

- a. Project description. In addition to other application requirements, application for a facility must include project overview in textual form that includes estimated completion date and operational lifespan of facility, approximate rated capacity of solar energy system, specified types of solar equipment to be placed on site and description of any supplementary structures or uses.
- b. General plan. General layout plan shall be provided with application. The plan shall include, at a minimum, location, access points, anticipated location of transmission lines and other utility connections, general location of solar equipment and supplementary facilities to be placed on site, buffers and other items required for zoning applications layout plans. If facility development is to be phased, a general phasing plan should also be included.
- c. Decommissioning plan. A decommissioning plan shall be submitted for review with initial site plan. A decommissioning plan shall include the following:
 - Contact information for the party responsible for site decommissioning;
 - Timeline for, and written description of, decommissioning procedures which shall include, but not be limited to, removal of any above and below ground tanks, cables, fencing, debris, buildings, structures or equipment, to include foundations and pads, related to the facility and the restoration of solar facility land and related disturbed areas to a natural condition or other approved state. At time of zoning approval, the Board of Supervisors may approve and condition a request by an applicant to have certain items intended to be utilized to serve a permitted use on the site, to remain provided site plan approval is obtained;
 - “Natural condition” shall be taken to mean the stabilization of soil to a depth of 3 feet and restoration of site vegetation and topography to pre-existing condition, provided that the exact method and final site restoration plan shall be subject to site plan review giving, among other things, consideration to impacts upon future site use, environmental and adjacent property impacts. The director of planning may approve a request by the landowner for alternatives to site restoration to allow roads, pads or other items which will serve a future permitted site use to remain. Where applicable, if the director of planning determines that a restoration plan significantly deviates from the description and conditions approved by the Board such plan shall require amendment of conditions through the zoning process;
 - A detailed estimate of the cost of decommissioning, which may include net salvage value of such equipment, facilities or devices, and site restoration or, if approved by Board of Supervisors, future site development. If decommissioning is phased then such costs shall be so described and calculated to match phased plan. An estimate shall be prepared by an engineer licensed in the state of Virginia, having expertise in the removal of solar facilities and site restoration as applicable to request;
 - Decommissioning plan, accompanying estimates and surety shall be updated every five years and provided to the director of planning; and

- Landowner, applicant or facility owner shall provide the county with a surety, acceptable to the director of planning, equal to the estimated costs of the decommissioning and site restoration or redevelopment as applicable. Any such surety shall be provided prior to site plan approval for the facility and shall include the ability for automatic adjustment for inflation or as necessary based upon decommissioning and/or restoration plan update.
- d. Airport and Federal Aviation Administration (FAA) approval. Prior to site plan approval, applicant shall demonstrate compliance with glint and glare standards of the FAA and approval from the FAA.
- e. Construction and decommissioning activity. Except as provided herein, all construction and decommissioning activity shall be limited to the hours of 7 AM to 7 PM Monday through Saturday. Pile driving activity will be further limited to the hours of 9 AM to 5 PM Monday through Saturday. On Sunday, construction and decommissioning activity will be limited to the hours of 9 AM and 5 PM, and further restricted only to light construction or decommissioning activity that does not include pile driving, use of heavy equipment or any other activity that exceeds 60 dBA as measured at property line with any adjacent property not part of facility.
- f. Traffic management plan. When determined by the directors of planning and transportation that construction or decommissioning activity for the site creates a significant traffic or safety impact upon or damage to area roads or properties, a traffic management plan shall be provided at time of site plan review, which shall include a reasonable road maintenance plan if appropriate under the circumstances.
- g. Setbacks, buffers and screening.
- The solar facility operational area, to include any buildings, structures, equipment, parking and disturbed areas, shall be setback a minimum 150 feet from any residentially zoned or occupied property, 100 feet from any road or right-of-way shown on the Thoroughfare Plan, and 50 feet from any other road or property;
 - Except where adjacent to electric power facility producing electricity for others or residentially zoned or occupied property, a buffer shall be provided equal to the required setback. Adjacent to residentially zoned or occupied property, the buffer shall be 100 feet in width. Each buffer shall comply with requirements of Perimeter Landscaping C and the requirements of buffers in this chapter; and-
 - Excluding solar panel arrays, facility outdoor equipment or storage shall be screened unless determined through site plan review that provided buffer is sufficient to mitigate view from adjacent property or road.
- h. Access. Access to the property shall be provided for Chesterfield County Fire Department, and where necessary Environmental Engineering, in a manner satisfactory to each department as determined at time of plan review.
- i. Facility operation and design.

- Facility design, construction and installation shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall 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 shall be submitted for review and approval as part of the site plan application and may be modified through request to, and approval, by the director of planning;
 - Prior to start of electricity transmission, documentation shall be provided to the director of planning verifying interconnection agreement or similar agreement with the applicable public utility pursuant to a Power Purchase Agreement (PPA) or other off-taker as permitted by state law or the State Corporation Commission, and notification of when electricity transmission is to begin. The director of planning shall be notified certified mail within 30 days of cessation of such agreement. Where such power distribution is permitted by law, agreements for power distribution which do not require a PPA shall also comply with the above documentation and notification;
 - Generation of power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials;
 - Solvents necessary for the cleaning of solar panels shall be biodegradable;
 - Wiring, excluding that which is on a solar array, shall be located underground except where necessary to directly connect to public service corporation;
 - Solar panels shall be placed so as to prevent concentrated solar radiation, heat or glare being directed onto other properties or roads;
 - Onsite lighting shall be the minimum necessary for security or onsite maintenance and shall comply with Sec. 19.1-205;
 - Solar equipment shall not be utilized to provide advertising or function as signs;
 - Except for initial construction or decommissioning activity, maintenance periods or emergency conditions which require temporary use of onsite generator, noise generated by the facility shall not exceed 60 dBA as measured at property line with any adjacent property not part of facility; and
 - Facility owner shall develop a maintenance inspection agreement with the county to provide for inspection of facility and panels.
- j. Height. Excluding transmission utility poles serving the site, no buildings, structures, solar panel arrays or other equipment utilized on the site shall exceed 25 feet in height. The director of planning may approve the permitted height to be exceeded where due to terrain, screening or other mitigation visibility of a structure is minimized;

- k. Transmission lines. Except for lines that are solely subject to State Corporation Commission jurisdiction, and where necessary for lines to directly connect to existing transmission lines, new transmission lines are subject to site plan review and shall not be located above ground. The director of planning may approve use of above ground transmission lines where determined during plan review that such action would mitigate impact upon protected environmental features or there exist other site-specific features where underground placement of lines is not feasible.
- l. Health and safety. Security fencing shall be provided for areas of facility operation a minimum of 6 feet in height, having barbed wire or similar along top and providing secured gates. Alternative method of security may be approved at time of site plan approval where demonstrated that such method meets or exceeds intended security of fencing.
- m. Change of facility owner. The director of planning shall be notified by certified mail of any change in ownership and, if different, party responsible for decommissioning of facility within 60 days of such change.
- n. Decommission, abandonment and maintenance compliance.
 - Planning shall be notified by certified mail 30 days prior to the intended decommissioning of a solar facility;
 - Damaged or unusable panels or arrays shall be removed from site within 60 days of removal from service;
 - A solar facility, or any portion thereof, shall be considered abandoned where not utilized for the generation and distribution of electricity for a continuous period of six months. The director of planning may extend such time period where evidence is provided by the facility owner or operator demonstrating that the failure to utilize the facility for power generation is beyond the reasonable control of owner or operator, the facility is operationally capable of generation and has not been abandoned; and
 - Decommissioning procedures shall be completed within 1 year of decommissioning notice, abandonment of a solar facility, or a shorter time period where in writing building official or other county official determines the facility or some aspect thereof to be unsafe. If facility owner fails to meet decommissioning requirements or comply with a request for removal or repair, the county may at its option:
 - remove and salvage facility equipment and structures and perform related restoration using provided surety. If the decommissioning surety and salvage recompense is insufficient, the county shall have the right to recover such costs from facility owner to include legal fees, expenses and fines; or
 - pursue legal recourse to have the solar facility, or portion thereof as applicable, removed at owner's expense. The county may seek to recover its costs, legal fees and legal expenses incurred to have the facility decommissioned in compliance with approved plan.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	
6/22/2016	2	Bon Air Special Design District	96319.3
3/15/2017	3	Uses Permitted by Special Exception	97908.1
	4-5	Versions not used	
5/22/2019	6	Solar Energy	114694.1

Sec. 19.1-53. Restricted Uses Listed as “R” or “RS”.

Those uses listed as “R” or “RS” in Table 19.1-52.A. shall be permitted in the respective zoning districts provided that the restrictions as outlined below are met. If the restrictions cannot be met, the use may be allowed in the respective zoning district through either a Conditional Use or Special Exception.

Access (public or private) to accommodate nonresidential development in an A, O, C or I district or used for office, business or industrial purpose

A District: Property used for the access is designated for office, business or industrial use on the comprehensive plan.

Athletic field privately or publicly operated

1. O-1, C-1, C-2, C-3, C-4, C-5 Districts:

- a. Organized sports leagues are not permitted;
- b. Playfields, courts or similar active recreational uses are set back 100 feet from adjacent property zoned for residential uses, or A property shown on the comprehensive plan for residential uses; and
- c. The 100 foot setback is landscaped at a density of 2.5 times Perimeter Landscaping C.

2. O-2 District:

- a. Playfields, courts or similar active recreational uses are set back 100 feet from adjacent property zoned for residential uses, or A property shown on the comprehensive plan for residential uses; and
- b. The 100 foot setback is landscaped at a density of 2.5 times Perimeter Landscaping C.

Auction sales

C-5 District: Use is not located in Midlothian Area East.

Automobile accessory store

1. C-1 District:

- a. Use is not located in Bon Air Special Design District; or
- b. Automobile repair or installation of parts does not occur.

2. C-2, C-3 Districts: Use is not located in Bon Air Special Design District.

Automobile rental**1. C-2 District:**

- a. Use is not located in Bon Air Special Design District; or
- b. Automobile repair or sales does not occur.

2. C-3, C-4 Districts:

- a. Use is not located in Bon Air Special Design District, or within a shopping center unless it was within the center prior to May 26, 2004;
- b. Elevated display of automobiles does not occur;
- c. Use is setback 100 feet from adjacent R, R-TH, R-MF or O property, or adjacent A property shown on the comprehensive plan for R, R-TH, R-MF or O uses. The setback is landscaped at a density of 2.5 times Perimeter Landscaping C;
- d. Garage-type doors are either oriented away from, or screened from view of, adjacent R, R-TH, R-MF or O property, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses;
- e. Repair services occur only as accessory to the use, and repair does not include body repair;
- f. Except for minimal repairs necessary to allow a vehicle to be moved into the service area, repair activities and storage of new or replaced repair materials either occurs inside a building, or the area is screened from view of adjacent R, R-TH, R-MF or O property, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses; and
- g. Storage yards for vehicles awaiting body repair, painting, auction or wholesale sales are screened from view of adjacent property on which such yards are not permitted or do not exist, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses.

Automobile repair excluding body, major engine or transmission**C-3, C-4 Districts:**

- a. Use is not located in Bon Air or Chester Special Design Districts; and
- b. The following requirements are met unless the use was in operation prior to May 26, 2004:
 - Use is not within a shopping center;
 - Use is setback 100 feet from adjacent R, RTH, R-MF or O property, or A property shown on the comprehensive plan for R, R-TH, R-MF or O uses. The setback is landscaped at a density of 2.5 times Perimeter Landscaping C;
 - Except for minimal repairs necessary to allow a vehicle to be moved into the service area, repair activities and storage of new or replaced repair materials shall either occur inside a building, or the area is screened from view of adjacent R, R-TH, R-MF or O properties, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses; and
 - Storage yards for vehicles awaiting body repair or painting are screened from view of adjacent property on which such yards are not permitted or do not exist, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses.

Automobile repair including body, major engine or transmission

C-5 District: Use is not located in Midlothian Area East.

Automobile sales excluding consignment lots**C-3, C-4 Districts:**

- a. Use is not located in Special Design Districts;
- b. Use is not within a shopping center unless it was within the center prior to May 26, 2004;
- c. Elevated display of motor vehicles does not occur;
- d. Use is setback 100 feet from adjacent R, R-TH, R-MF or O property, or A property shown on the comprehensive plan for R, R-TH, R-MF or O uses. The setback is landscaped at a density of 2.5 times Perimeter Landscaping C;
- e. Garage-type doors are either oriented away from, or screened from view of, adjacent R, R-TH, R-MF or O property, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses;
- f. Repair services occur only as accessory to the use and repair does not include body repair;
- g. Except for minimal repairs necessary to allow a vehicle to be moved into the service area, either repair activities and storage of new or replaced repair materials occurs inside a building, or the repair area is screened from view of adjacent R, R-TH, R-MF or O properties, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office use; and
- h. Storage yards for vehicles awaiting body repair, painting, auction or wholesale sales are screened from view of adjacent property on which such yards are not permitted or do not exist, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses.

Automobile self service station**1. C-1 District:**

- a. Use is accessory to a principal use;
- b. Use is not located along a road which terminates in a residential neighborhood; and
- c. Use is not located in Bon Air or Chester Special Design Districts.

2. C-2, C-3, C-4, C-5 Districts: Use is not located in Bon Air or Chester Special Design Districts.

Automobile self service station, unmanned

C-2, C-3, C-4, C-5 Districts: Use is not located in Bon Air or Chester Special Design Districts.

Automobile service station

C-3, C-4, C-5 Districts: Use is not located in Bon Air or Chester Special Design Districts.

Automobile storage lot**C-5 District****I-1 District:**

- a. Use is accessory to warehouse or mini-warehouse facility;
- b. Outdoor vehicle maintenance does not occur;
- c. Vehicle sales does not occur;
- d. Use is not required to be screened from view of I-2 or I-3 property or existing outside storage areas on adjacent property;
- e. Use is screened from view of roads or adjacent property, other than the property identified in f. below, by:
 - building layout;
 - durable architectural walls or fences constructed of comparable materials to, and design compatible with, the warehouse building(s); or
 - berms or land forms that are part of the natural terrain or integrated to appear as though they are part of the natural terrain; and
- f. Use is screened from view of adjacent R, R-TH, RMF, O, MH or I-1 property, or adjacent A property designated on the comprehensive plan for R, R-TH, R-MF, A, O, MH or I-1 uses. Screening is accomplished by a compound design where warehouse buildings block the view of the area. Openings between buildings are permitted to accommodate underground utilities, fire code requirements, and unique site constraints provided views through the openings is screened through the use of screening walls constructed of comparable materials to, and design compatible with, the warehouse building(s).

Automobile wash

C-3 District: Use is not located in Bon Air Special Design District.

Boat sales, service, repair and rental

C-5 District: Use is not located in Midlothian Area East.

Brewery, craft**1. C-2 Districts:**

- a. Use is accessory to a restaurant;
- b. Use produces primarily for on-site consumption or sale;
- c. Yearly, use produces a maximum of 10,000 barrels, each holding no more than 31 gallons of beer or other malt liquors; and
- d. Maximum of 10 persons are engaged in the production of beer or malt liquors.

2. C-3, C-4, C-5 Districts:

- a. Use produces primarily for on-site consumption or sale; and
- b. Yearly, use produces a maximum of 10,000 barrels, each holding no more than 31 gallons of beer or other malt liquors; and
- c. Maximum of 15 persons are engaged in the production of beer or malt.

Building material sales yard excluding concrete mixing

C-5 District: Use is not located in Midlothian Area East.

Business from the home, home occupation

R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

R-TH, R-MF Districts

MH-2, MH-3 Districts

A District:

- a. Employees, other than family members who reside on the premises, do not work on the premises;
- b. Use is within a dwelling, accessory structure, or both, provided the total area used does not exceed the greater of 25% of the floor of the dwelling or 250 square feet;
- c. Use is clearly incidental and secondary to the use of the property for dwelling purposes;
- d. External alterations do not occur which would cause the premises to differ from its residential character by the use of colors, materials, lighting or construction;
- e. Commodities, other than light inventory, are not stored or sold on the premises;
- f. Assembly or group instruction does not occur, but individual instruction on a one to one basis may occur;
- g. No more than 2 clients are on the property at any one time;
- h. No more than 1 vehicle associated with the home occupation is parked on the premises. The vehicle does not exceed 10,000 pounds or have more than 2 axles, or be a vehicle that tows or hauls disabled or junked vehicles;
- i. No more than 1 trailer associated with the home occupation is parked on the premises. The trailer does not exceed 1 axle, 13 feet in length and 3,200 pounds. The trailer is parked, except for during loading or unloading, either in the rear yard, or such that it is screened from view of adjacent property and roads; and
- j. Except for equipment stored on the vehicle or trailer, equipment associated with the home occupation is not stored outside.

Carport sales

C-5 District: Use is not located in Midlothian Area East.

Check cashing incidental use

C-1, C-2, C-3, C-4, C-5 Districts:

- a. Use is accessory to, and operated by, the primary use;
- b. Signs are not visible from the exterior of the building advertising the use;
- c. Use is located internal to the primary structure occupied by permitted uses; and
- d. Use has no separate exterior access open to the public.

Clinics, medical, dental or optical

O-1, C-1 Districts: Neither the use nor the building is designed to accommodate ambulance traffic

Columbarium

R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

MH-2, MH-3 Districts

A District

O-1, O-2 Districts

C-2, C-3, C-4, C-5 Districts:

- a. Use is accessory to a church or other place of worship on the premises; and
- b. Church or other place of worship maintains permanent records of the next of kin or nearest relative of the deceased.

Commercial vehicle parking with associated residential use, excluding school bus parking

R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

R-TH, R-MF Districts

MH-2, MH-3 Districts:

- a. Vehicle does not exceed 10,000 pounds;
- b. Vehicle has no more than two axles; and
- c. Vehicle is not one which tows or hauls disabled, wrecked or junked vehicles.

Communications tower

1. R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

R-TH, R-MF Districts

MH-1, MH-2, MH-3 Districts

A District:

- a. Antennae are co-located on electric transmission structures;
- b. Antennae are flush-mount design;
- c. Height of antennae does not exceed the lessor of 20 feet above the height of the electric transmission structure or the limitations of Article IV, Division 2;
- d. Antennae are gray or another neutral color acceptable to the planning department;
- e. Buildings or mechanical equipment complies with Emerging Growth Design District standards relative to architectural treatment and screening of mechanical equipment; and
- f. At such time as the antennae ceases to be used for communications purposes for a period exceeding 12 consecutive months, antennae and all associated equipment are removed from the property.

Communications tower-Continued

2. O-1, C-1 Districts:

- a. Antennae are co-located on electric transmission structures;
- b. Antennae are a flush-mount design;
- c. Height of antennae does not exceed the lesser of 20 feet above the height of the electric transmission structure or the limitations of Article IV, Division 2;
- d. Antennae are gray or another neutral color acceptable to the planning department; and
- e. At such time as the antennae ceases to be used for communications purposes for a period exceeding 12 consecutive months, antennae and all associated equipment are removed from the property.

3. O-2 District

C-2, C-3, C-4 Districts

I-1, I-2 Districts:

OPTION 1-Architecturally incorporated

Structure is architecturally incorporated into the design of a building used for a permitted use.

OPTION 2-Co-location

- a. Antennae are co-located on electric transmission structures;
- b. Antennae are a flush-mount design
- c. Height of antennae does not exceed the lesser of 20 feet above the height of the electric transmission or the limitations of Article IV, Division 2;
- d. Antennae are gray or another neutral color acceptable to the planning department; and
- e. At such time as the antennae ceases to be used for communications purposes for a period exceeding 12 consecutive months, antennae and all associated equipment are removed from the property.

4. C-5 District:

Use is not located in Midlothian Area East unless the use conforms to the following restrictions:

OPTION 1-Architecturally incorporated

Structure is architecturally incorporated into the design of a building used for a permitted use.

OPTION 2-Co-located

- a. Antennae are co-located on electric transmission structures;
- b. Antennae are a flush-mount design;
- c. Height of antennae does not exceed the lesser of 20 feet above the height of the electric transmission structure or the limitations of Article IV, Division 2;
- d. Antennae are gray or another neutral color acceptable to the planning department; and
- e. At such time as the antennae ceases to be used for communications purposes for a period exceeding 12 consecutive months, antennae and all associated equipment are removed from the property.

Construction building/trailer, temporary**R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts****R-TH, R-MF Districts****MH-1, MH-2, MH-3 Districts****A District****O-1, O-2, C-1, C-2, C-3, C-4, C-5 Districts****I-1, I-1, I-3 Districts:**

- a. Use is incidental to construction activities taking place on the premises; and
- b. Building or trailer is removed upon completion or abandonment of construction activities.

Contractor's office, shop and storage yard**C-5 District:** Use is not located in Midlothian Area East.**Crematorium****1. O-2 District****C-2, C-3, C-4, C-5 Districts:**

- a. Use is accessory to a funeral home;
- b. Cremation is limited to only those bodies that will be serviced at the location of the funeral home;
- c. Cremation is limited to one body at a time; and
- d. The crematorium is located within the same structure as the funeral home.

2. C-3, C-4, C-5 Districts

- a. Use is accessory to a veterinary hospital;
- b. Cremation is limited to only those bodies that will be serviced at the location of the veterinary hospital;
- c. Cremation is limited to one body at a time; and
- d. The crematorium is located within the same structure as the veterinary hospital.

Data center**C-3, C-4 Districts****I-1 District:**

- a. Outside associated utility infrastructure is limited to a maximum of one generator;
- b. Outside generator area does not exceed the greater of 200 square feet, or 1 percent of the gross floor area of the principal use; and
- c. Outside generator is screened in accordance with Section 19.1-319.

Day care, family day care home**R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts****R-TH, R-MF Districts****MH-2, MH-3 Districts****A District:**

5 children, exclusive of the provider's own children and any children residing in the home, receive care at any one time during a 24 hour day.

Dining, outside**C-2, C-3, C-4, C-5 Districts****I-1, I-2, I-3 Districts:**

- a. Use is accessory to a permitted or restricted use;
- b. Area conforms to the parking setback requirements of the district;
- c. Area is located within courtyard areas, covered sidewalks, or patios generally abutting the use to which it is accessory;
- d. Area is delineated by buildings, fences, landscaping, other similar barriers, or a combination thereof, all of which are compatible with the design and architecture of the principal use; and
- e. Pedestrian ways are not obstructed.

Display, outside**C-2 District:**

- a. Except where the restrictions of a specific use address outside display requirements, display is accessory to a permitted or restricted use;
- b. Display area is located within courtyard areas or covered sidewalks designed for the display; and
- c. Pedestrian ways are not obstructed.

C-3, C-4 District:

- a. Except where the restrictions of a specific use address outside display requirements, display is accessory to a permitted or restricted use;
- b. Display area is limited as follows:
 - an area located under a covered pedestrian way with a maximum width of 16 feet, other pedestrian ways are not obstructed and display area does not exceed 5 percent of the gross floor area of the principal use; and
 - an additional area which conforms to the parking setback requirements of the district; screened from view of adjacent properties on which outside display is not permitted or does not exist, A property designated on the comprehensive plan for R, R-TH, R-MF, MH, A, O or I-1 uses, and external roads; and this display area plus any permitted outside storage area does not exceed 10 percent of the gross floor area of the principal use.

Display, outside-Continued**C-5 District:**

- a. Except where the restrictions of a specific use address outside display requirements, display is accessory to a permitted or restricted use;
- b. Except as provided in c., display area is limited as follows:
 - an area located under a covered pedestrian way with a maximum width of 16 feet, other pedestrian ways are not obstructed and display area does not exceed 5 percent of the gross floor area of the principal use; and
 - an additional area which conforms to the parking setback requirements of the district; screened from view of adjacent properties on which outside display is not permitted or does not exist, A property designated on the comprehensive plan for R, R-TH, R-MF, MH, A, O or I-1 uses, and external roads; and this display area plus any permitted outside storage area does not exceed 10 percent of the gross floor area of the principal use.
- c. Display area of goods which are customarily displayed outside due to their size and characteristics such as, but not limited to, automobile and motor vehicles, large boats, carports, farm implements and machinery, garages, manufactured homes, shed buildings and swimming pools is limited as follows:
 - an area which conforms to the parking setback requirements of the district;
 - the goods are displayed in a manner in which they are used or permanently constructed such as, but not limited to, above ground swimming pools with adjoining decks and skirting and manufactured home with foundations; and
 - display of automobiles or motor vehicles does not occur on elevated structures.

Distillery, craft**1. C-2 Districts:**

- a. Use is accessory to a restaurant;
- b. Use produces primarily for on-site consumption or sale;
- c. Yearly, use produces a maximum of 3,000 barrels, each holding no more than 53 gallons of liquor; and
- d. Maximum of 10 persons are engaged in the production of liquor.

2. C-3, C-4, C-5 Districts:

- a. Use produces primarily for on-site consumption or sale; and
- b. Yearly, use produces a maximum of 3,000 barrels, each holding no more than 53 gallons of liquor; and
- c. Maximum of 15 persons are engaged in the production of liquor.

Drug store**O-1 District:**

- a. Use is located in a building containing other medical services; and
- b. Use does not have a separate outside entrance.

Dwelling, multifamily

1. C-3, C-5 Districts:

- a. Property was zoned C-3 or C-5 after April 11, 1989 and prior to May 24, 2006;
- b. Minimum size of project incorporating multifamily uses is 67 gross acres;
- c. Maximum of 30 percent of the gross acreage zoned C-3 or C-5 of the project is used for multifamily and townhouse uses;
- d. Use is incorporated into an integrated schematic plan;
- e. Use complies with the requirements of the R-MF Zoning District, except that density may be increased to 14 units per acre; and
- f. Construction has begun on a minimum of 50 percent of the gross project area devoted to nonresidential uses.

2. C-3, C-5 Districts:

- a. Project fronts Jefferson Davis Highway north of Osborne Road and property is recommended for Neighborhood Business, Community Business, Suburban Residential II, Residential Mixed Use or Community Mixed Use in the Comprehensive Plan;
- b. Use is located within 500 feet of Jefferson Davis Highway, this would not preclude accessory parking or buildings from extending beyond the 500 feet;
- c. Project has a minimum of 100 feet of contiguous frontage along Jefferson Davis Highway;
- d. Project size is no less than 3 acres and no more than 10 acres, provided that projects of 1.5 acres shall be permitted if located at the intersection of a local road with Jefferson Davis Highway;
- e. Minimum density is 15 dwelling units per acre;
- f. In addition to buffers required by Table.19.1-263.A.1.b., where use is located adjacent to an occupied C or I property outside of project, a buffer shall be provided between use and the adjacent property as required between the applicable C or I district and a R-MF zoning district;
- g. Project meets Northern Jefferson Davis Highway Design District (NJDHDD) standards as identified in Sec. 19.1-379 except as otherwise stated within this subsection;
- h. For projects containing less than 6 acres, buildings shall be a minimum of 3 stories and a maximum of 4 stories. For projects 6 acres or more, buildings shall be a minimum of 3 stories and a maximum of 6 stories. In no case shall the height of a building exceed 3 stories or 40 feet within 100 feet of MH or R districts;
- i. The greater of 50 square feet per residential unit or 10 percent of total project area shall be provided as hardscaped or landscaped common area. Up to 50 percent of required common area may include rooftop garden space where such space is commonly accessible to, and provides activity space for, residents;
- j. At least 50 percent of residential units located above ground floor shall have a usable balcony consisting of a minimum area of 5 feet by 8 feet;
- k. Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses. Buildings containing multifamily units shall possess architectural variety while at the same time have an overall cohesive urban character. Design elements such as, but not limited to, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied rooflines, other appurtenances such as lighting fixtures and plantings may be used to achieve desired design;

- l. The first floor of a building directly fronting Jefferson Davis Highway shall meet applicable commercial building code requirements so as to provide for flexibility to accommodate commercial uses. The first floor of a building directly fronting a road shall be on grade with such road and have a minimum of 12 foot ceilings, or a higher standard if required by code, where fronting Jefferson Davis Highway. This is not intended to preclude the use of an interior elevated floor design for residential uses to provide privacy;
- m. In addition to requirements of the NJDHDD, architecture for buildings containing dwellings shall employ masonry at least to top of first floor on all facades visible from a road;
- n. Commercial uses in the project are limited to those permitted in a C-2 district, excluding automobile accessory store, automobile rental, automobile self service station and automobile self service station, unmanned;
- o. Views of parking areas shall be minimized from public rights of way and/or single family residential properties via a building, landscaping, architectural walls and/or decorative fencing; and
- p. Administrative site plan review times shall be in accordance with Sec.19.1-30 with the exception that initial review for such projects shall not be acted upon any sooner than 21 days from the latter of the date of required sign posting or written notification sent.

3. C-4 District:

- a. Property was zoned C-4 after April 11, 1989 and prior to May 24, 2006;
- b. Minimum size of a project incorporating multifamily uses is 67 gross acres;
- c. Maximum of 30 percent of the gross acreage zoned C-4 of the project is used for multifamily and townhouse uses;
- d. Use is incorporated into an integrated schematic plan;
- e. Use complies with the requirements of the R-MF Zoning District, except that density may be increased to 18 units per acre or 25 units per acre with the provision of deck or underground parking; and
- f. Construction has begun on a minimum of 50 percent of the gross project area devoted to nonresidential uses.

Dwelling, single family

O-1, O-2 Districts

C-1, C-2, C-3, C-4, C-5 Districts:

- a. Use is located in the Matoaca Special Design District;
- b. Use is located on a lot having a minimum area of 7,000 square feet and a minimum lot width of 50 feet; and
- c. Dwelling complies with the setback and architectural treatment requirements. Such dwelling shall not be subject to the other requirements of the nonresidential district.

Dwelling, single family incorporated into a building with a permitted nonresidential use

O-1, O-2 Districts

C-1, C-2, C-3, C-4, C-5 Districts: Use is located in the Ettrick Special Design District and limited to one dwelling in each building.

Dwelling, temporary family health care unit

R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts:

- a. Use is accessory to a single family dwelling;
- b. No more than 1 unit is located on a lot;
- c. Occupancy is limited to 1 mentally or physically impaired person and, in the case of a married couple, the impaired person's spouse who requires assistance with 1 or more activities of daily living as defined by Code of Virginia, and certified in writing by a licensed physician;
- d. Caregiver resides in the single family dwelling located on the lot and is related by blood, marriage, or adoption to the mentally or physically impaired person residing in the unit or serves as such person's legally appointed guardian;
- e. Unit does not exceed 300 gross square feet in area;
- f. Unit complies with setback requirements for primary structures in the district;
- g. Unit complies with height limitations for accessory structures in the district;
- h. Unit is primarily assembled at a location other than the lot on which it is to be located;
- i. Unit is not placed on a permanent foundation;
- j. A planning permit is obtained, and maintained, from the planning department for the unit. In conjunction with the request for a permit and annually thereafter, the following shall be submitted: documentation, as deemed necessary by the planning department, to ensure compliance with this section and the Code of Virginia; documentation of occupant(s)' need for care; documentation of the relationship of the mentally or physically impaired person and the caregiver; and permission for a planning department representative to inspect, at reasonably convenient times, the unit and the single family dwelling to determine compliance with this section. The planning department may revoke the permit for any violation of this section;
- k. Unit is removed within 60 days of the date on which the unit was last occupied by a mentally or physically impaired person receiving services or meeting the certification requirements; and
- l. Unit shall not be used for, or converted to, another use.

Dwelling, townhouse**1. C-3, C-5 Districts:**

- a. Project in which located fronts Jefferson Davis Highway north of Osborne Road and is recommended for Neighborhood Business, Community Business, Suburban Residential II, Residential Mixed Use or Community Mixed Use in the Comprehensive Plan;
- b. Use shall not directly front upon Jefferson Davis Highway, this shall not preclude fronting upon a local road, provided that in all instances a permitted use shall be located between townhouse buildings and Jefferson Davis Highway;
- c. Project has a minimum of 100 feet of contiguous frontage along Jefferson Davis Highway;
- d. Commercial uses in project are limited to those permitted in a C-2 district, excluding automobile accessory store, automobile rental, automobile self service station and automobile self service station, unmanned;
- e. Project size is no less than 3 acres and no more than 10 acres;
- f. Minimum density is 10 dwelling units per acre;

- g. 10% of project acreage is provided as recreational area for residents, having active and passive facilities as deemed appropriate during plan review;
- h. In addition to buffers required by Table.19.1-263.A.1.b., where use is located adjacent to an occupied C or I property outside of project, a buffer shall be provided between use and the adjacent property as required between the applicable C or I district and a R-TH zoning district;
- i. Project meets Northern Jefferson Davis Highway Design District (NJDHDD) standards as identified in Sec.19.1-379 except as otherwise stated within this subsection;
- j. Buildings may be up to 4 stories or 50 feet, whichever is less, provided that if within 100 feet of MH or R district the height shall not exceed three stories or 40 feet;
- k. Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses. Townhouse buildings shall possess architectural variety while at the same time have an overall cohesive urban character. Design elements such as, but not limited to, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied rooflines, other appurtenances such as lighting fixtures and plantings may be used to achieve desired design;
- l. Excluding the incorporation of storefront windows, buildings containing dwellings shall comply with architectural requirements of the NJDHDD and employ masonry materials on all facades visible from a road;
- m. Garages shall be rear loaded and shall be accessed via private pavement. Garage doors shall not face any road or parking serving commercial use on property that is open to the public;
- n. Views of parking areas shall be minimized from public rights of way and/or single family residential properties via a building, landscaping, architectural wall and/or decorative fencing.
- o. View of uses in alleys shall be minimized from roads and private pavement, other than alleys, with a wall, maintenance-free fence, or building design. Utilized walls and fencing shall be of comparable material and design to that of the townhouses; and
- p. Excluding fencing in n. and o. above, where fencing is utilized on a lot it shall be constructed of decorative maintenance-free material. Chain link or wood fencing shall not be permitted.

2. C-3, C-4, C-5 Districts:

- a. Property was zoned C-3, C-4 or C-5 after April 11, 1989 and prior to May 24, 2006;
- b. Minimum size of a project incorporating R-TH uses is 34 gross acres;
- c. Maximum of 30 percent of the gross acreage zoned C-3, C-4 or C-5 of the project is used for multifamily and townhouse uses;
- d. Uses is incorporated into an integrated schematic plan;
- e. Use complies with the requirements of the R-TH Zoning District; and
- f. Construction has begun on a minimum of 50 percent of the gross project area devoted to non-residential uses.

Electric power wind energy system (WES)**1. R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts****MH-2, MH-3 Districts****A District:**

- a. Use is accessory to the permitted use it is intended to serve;
- b. Use is located on a minimum of 5 acres;
- c. No more than 1 WES is located on the property;
- d. System does not include a guy-wired or lattice tower;
- e. System has a rated capacity of not greater than 10 kilowatts (kW);
- f. Except during short-term events such as utility outages or severe wind storms, noise levels do not exceed 60 decibels measured at the closest property line;
- g. System is not artificially lighted unless required by Federal Aviation Administration or appropriate authority;
- h. At such time as the system ceases to be used for its intended purpose for a period exceeding 12 consecutive months, the system and all associated equipment are removed from the property;
- i. System is either roof mounted or freestanding;
- j. If the system is roof mounted:
 - lowest point of the arc of the blade is 10 feet above the height of the building on which it is mounted; and
 - height, as measured from grade level to the highest point of the WES including blade sweep, does not exceed height limitations for the principal or accessory building on which it is mounted.
- k. If the system is freestanding:
 - it is located in the rear yard;
 - blade sweep does not extend to within 20 feet of the ground;
 - measures are incorporated to prevent non-authorized personnel from ascending the tower for a distance of 12 feet from grade level;
 - height, as measured from grade level to the highest point of the WES including blade sweep, does not exceed 10 feet for each complete acre of property on which located, up to a maximum of 75 feet;
 - it is setback from property lines a minimum of 2 times the height; and
 - if located on property owned or maintained by Chesterfield County, it is setback a minimum of 1.1 times the height from any building open to the general public, parking lot, playground, recreational field or similar area designed to facilitate general public gatherings on such property.

Electric power wind energy system (WES)-Continued

2. O-1, O-2 Districts

C-1, C-2, C-3, C-4, C-5 Districts

I-1, I-2, I-3 Districts:

- a. Use is accessory to the permitted use which it is intended to served;
- b. Use is located on a minimum of 5 acres;
- c. No more than 1 WES is located on the property;
- d. System does not include a guy-wired or lattice tower;
- e. System has a rated capacity of no greater than 100 kilowatts (kW);
- f. System is not artificially lighted unless required by Federal Aviation Administration or appropriate authority;
- g. At such time as the system ceases to be used for its intended purpose for a period exceeding 12 consecutive months, system and all associated equipment are removed from the property;
- h. System is freestanding;
- i. Measures are incorporated to prevent non-authorized personnel from ascending the tower for a distance of 12 feet from grade level;
- j. Height, as measured from grade level to the highest point of the WES including blade sweep, does not exceed 10 feet for each complete acre of property on which located, up to a maximum of 75 feet;
- k. System is setback from property lines a minimum of 2 times the height; and
- l. If located on property owned or maintained by Chesterfield County, system is setback a minimum of 1.1 times the height from any building open to the general public, parking lot, playground, recreational field or similar area designed to facilitate general public gatherings on such property.

Event, limited

A Districts

- a. Use is located on a minimum of 50 acres unless the director of planning determines that the use could be located on less than 50 acres and still meet the standards of this section;
- b. Use lasts for a single calendar day for a maximum of 18 hours;
- c. Use occurs a maximum of 4 calendar days per calendar year;
- d. Use does not occur on consecutive calendar days;
- e. Use does not allow overnight stays;
- f. Permanent facilities, such as, but not limited to, pavilions, stages, auditoriums, bathrooms or booths are not constructed to accommodate the use;
- g. Temporary improvements to accommodate the use shall be permitted provided they are removed within 48 hours of the event's cessation; and
- h. If a music or entertainment permit is not required by Article II of Chapter 3 of the county code, a planning permit is obtained from the planning department for the event. Nothing herein shall negate the requirement to obtain a music or entertainment permit if required by the county code.

Eyewear sales and service**O-1, O-2 Districts****C-1 District:**

- a. Use is performed by an optometrist or ophthalmologist as accessory to the practice located on the property; and
- b. Maximum of 15 percent of the gross floor area is devoted to the use.

Farm, less than 3 acres**A District:**

- a. Keeping of animals is limited to a collective maximum of 12 chickens, fowl, rabbits, or other small domesticated livestock; and
- b. Keeping of farm animals such as cows, sheep, goats or horses does not occur.

Farm, less than 3 acres or 3 acres or more**R-88, R-40, R-25, R-15, R-12, R-9, R-7 Districts****MH-2, MH-3 Districts:**

- a. Use is incidental to a dwelling on the premises;
- b. Use is limited to the keeping of a maximum of 6 chickens and does not include roosters;
- c. At all times, chickens are kept within a single building having a single attached fenced outside run as follows:
 - building is a minimum of 10 square feet and a maximum of 20 square feet;
 - fenced outside run area is a maximum of 40 square feet and has a minimum area of 5 square feet per chicken; and
 - fenced outside run area is securely enclosed on the top and sides with a wire mesh or similar material;
- d. Building and attached outside run area are located in the rear yard and set back 25 feet from all property lines;
- e. Slaughtering of chickens does not occur;
- f. Areas associated with keeping of chickens is cleaned and made free of waste on a regular basis. Waste is disposed of in an appropriate waste disposal container that is periodically removed from the site; and
- g. Property owner employs an effective means of eliminating odor problems and propagation of insects related to use.

Farm, less than 3 acres or 3 acres or more-Continued**R-C District:****OPTION 1-Propagation and cultivation of crops**

- a. Use is located within conservation area required by Section 19.1-86.;
- b. Use is limited to the propagation and cultivation of crops;
- c. Farm related buildings and crop fields are setback 75 feet from adjacent property or single family residential lot line within the subdivision; and
- d. Operation of tractors, combines, or other internal combustion powered equipment is restricted to between the hours of 7:00 a.m. and 9:00 p.m.

OPTION 2-Keeping of Chickens

- a. Use is incidental to a dwelling on the premises;
- b. Use is limited to the keeping of a maximum of 6 chickens and does not include roosters;
- c. At all times, chickens are kept within a single building having a single attached fenced outside run as follows:
 - building is a minimum of 10 square feet and a maximum of 20 square feet;
 - fenced outside run area is a maximum of 40 square feet and has a minimum area of 5 square feet per chicken; and
 - fenced outside run area is securely enclosed on the top and sides with a wire mesh or similar material;
- d. Building and attached outside run area are located in the rear yard and set back 25 feet from all property lines;
- e. Slaughtering of chickens does not occur;
- f. Areas associated with keeping of chickens is cleaned and made free of waste on a regular basis. Waste is disposed of in an appropriate waste disposal container that is periodically removed from the site; and
- g. Property owner employs an effective means of eliminating odor problems and propagation of insects related to use.

OPTION 3-Keeping of Horses

- a. Use is located within the conservation area required by Section 19.1-86.;
- b. Use is limited to the keeping of horses;
- c. Pasture areas, barns or stables are setback 75 feet from adjacent property or from any single family residential lot line within the subdivision;
- d. Pasture areas, barns or stables are cleaned and made free of waste on a regular basis and maintained so as to control the propagation of insects; and
- e. Operation of tractors, combines, or other internal combustion powered equipment is restricted to between the hours of 7:00 a.m. and 9:00 p.m.

Farm equipment, implement and machinery sales, repair and rental

C-5 District: Use is not located in Midlothian Area East.

Fire station**O-2 District:**

- a. External sirens or public address systems, other than those mounted on emergency vehicles, are not permitted; and
- b. Garage-type doors are either architecturally compatible with area R, R-TH, R-MF or A property, or screened from view of adjacent R, R-TH or R-MF property, or adjacent A property shown on the comprehensive plan for residential use.

Freight forwarding, packaging and crating services excluding truck terminals

C-5 District: Use is not located in Midlothian Area East.

Garage, building sales

C-5 District: Use is not located in Midlothian Area East.

Garage, public

C-5 District: Use is not located in Midlothian Area East.

Golf course

O-2 District: Buildings, other than player shelters, are setback 200 feet from adjacent R, R-TH or R-MF property, or adjacent A property shown on the comprehensive plan for residential use.

Greenhouse, commercial retail

C-2 District: Outside storage or growing does not occur.

Grocery Store

C-2, C-3 Districts: In Bon Air Special Design District, the building does not exceed 20,000 square feet of gross floor area per story.

Hospital**O-2 District****C-2 District:**

- a. Use is setback 100 feet from adjacent R, R-TH or R-MF property, or adjacent A property shown on the comprehensive plan for residential use; and
- b. Emergency room entrances do not face R, R-TH or R-MF property, or A property shown on the comprehensive plan for residential use.

Hotel

I-1 District:

- a. Use is located in a project of 25 acres or more; and
- b. Use does not exceed 30 percent of the gross floor area under construction or occupied by permitted uses in the project.

Intercom accessory to a permitted use

C-1, C-2, C-3, C-4, C-5 Districts: Intercom is not audible to A, R, R-TH or R-MF property.

Manufactured home

A District:

- a. It conforms to the bulk requirements and other standards for a single family dwelling within the district; and
- b. A single family dwelling or other manufactured home is not located on the property.

Manufactured home sales, service, repair and rental

C-5 District: Use is not located in Midlothian Area East.

Model home in subdivision

R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

MH-2 District:

- a. It is designed to become a permanent home;
- b. In addition to its permanent use as a home, it may be used as a temporary real estate office;
- c. It is used only to market the development in which it is located and not a development outside of the project in which it is located;
- d. It is incidental to construction activity taking place in the development;
- e. It is not the primary real estate office for the company marketing the subdivision; and
- f. It is not used as a construction office, or for the storage of construction equipment or materials.

Model manufactured home in development**MH-3 District:**

- a. It is designed to become a manufactured home;
- b. In addition to its permanent use as a manufactured home, it may be used as a temporary real estate office;
- c. It is used only to market the development in which it is located and for the sale or rental of spaces or manufactured homes outside of the project in which it is located;
- d. It is incidental to construction activity taking place in the development;
- e. It is not the primary real estate office for the company marketing the development; and
- f. It is not used as a construction office, or for the storage of construction equipment or materials.

Modular home sales, service, repair and rental

C-5 District: Use is not located in Midlothian Area East.

Motel

C-5 District: Use is not located in Midlothian Area East.

Motorcycle, go-cart, all-terrain or similar type vehicle operation, non-commercial

R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

R-TH, R-MF Districts

MH-1, MH-2, MH-3 Districts

C-1, C-2, C-3, C-4, C-5 Districts

O-1, O-2 Districts

I-1, I-2, I-3 Districts:

- a. Vehicle is not operated on an improved track or path; and
- b. There are no physical improvements to include, but not limited to, lights, pavement, grading or grandstand.

A District:

- a. Vehicle is not operated on an improved track or path within 1000 feet of R, R-TH or R-MF property; and
- b. There are no physical improvements to include, but not limited to lights, pavement, grading or grandstand.

Motor vehicle rental

C-5 District: Use is not located in Midlothian Area East.

Motor vehicle repair

C-5 District: Use is not located in Midlothian Area East.

Motor vehicle storage lot**C-5 District****I-1 District:**

- a. Use is accessory to warehouse or mini-warehouse facility;
- b. Outdoor vehicle maintenance does not occur;
- c. Vehicle sales does not occur;
- d. Use is not required to be screened from view of I-2 or I-3 property or existing outside storage areas on adjacent property;
- e. Use is screened from view of roads or adjacent property, other than the property identified in f. below, by:
 - building layout;
 - durable architectural walls or fences constructed of comparable materials to, and design compatible with, the warehouse building(s); or
 - berms or land forms that are part of the natural terrain or integrated to appear as though they are part of the natural terrain; and
- f. Use is screened from view of adjacent R, R-TH, RMF, O, MH or I-1 property, or adjacent A property designated on the comprehensive plan for R, R-TH, R-MF, A, O, MH or I-1 uses. Screening is accomplished by a compound design where warehouse buildings block the view of the area. Openings between buildings are permitted to accommodate underground utilities, fire code requirements, and unique site constraints provided views through the openings is screened through the use of screening walls constructed of comparable materials to, and design compatible with, the warehouse building(s).

Motor vehicle tow lot**1. C-5 District:**

- a. Use was in existence prior to November 25, 1997; ownership does not affect the right to continue use; and
- b. Except for a maximum of 2 automobiles or pieces of machinery which may exceed the height of screening, storage areas are screened from view of adjacent property on which the use is not permitted or does not exist, external roads, or adjacent A property shown on the comprehensive plan for R, R-TH, R-MF or O uses.

2. I-3 District:

- a. Storage areas are setback 100 feet from external roads and adjacent R, R-TH, R-MF or O property, or A property shown on the comprehensive plan for R, R-TH, R-MF or O uses. The setback is landscaped at a density of 2.5 times Perimeter Landscaping C; and
- b. Except for a maximum of 2 motor vehicles or pieces of machinery which may exceed the height of the screening, the storage areas are screened from view of adjacent property on which such use is not permitted or does not exist, adjacent external roads, or adjacent A property shown on the comprehensive plan for R, R-TH, R-MF or O uses.

Nightclub

I-1, I-2, I-3 Districts: Use is accessory to a craft brewery or brewery manufacturing.

Parking lot, commercial

C-1, C-2, C-3 Districts: Use is within Ettrick Special Design District.

Parks, public or private**1. O-1 District****C-1, C-2, C-3, C-4, C-5 Districts:**

- a. Organized sports leagues are not allowed on playfields, courts or similar areas;
- b. Playfields, courts or similar active recreational uses are setback 100 feet from adjacent property zoned for residential uses, or A property shown on the comprehensive plan for residential uses; and
- c. 100 foot setback is landscaped at a density of 2.5 times Perimeter Landscaping C.

2. O-2 District:

- a. Playfields, courts or similar active recreational uses are setback 100 feet from adjacent property zoned for residential uses, or A property shown on the comprehensive plan for residential uses; and
- b. 100 foot setback is landscaped at a density of 2.5 times Perimeter Landscaping C.

Pet grooming**C-1 District:**

- a. Animal boarding does not occur;
- b. Outside runs are not allowed; and
- c. Overnight care does not occur.

Plant nursery, retail

C-2 District: Outside storage or growing does not occur.

Printing shop**C-2, C-3, C-4, C-5 Districts:**

- a. Printing is limited to copying and duplicating machines; and
- b. High-volume presses or web presses are not used.

Public service vehicle parking with associated residential use, excluding school bus parking

R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

R-TH, R-MF Districts

MH-2, MH-3 Districts:

- i. Vehicle does not exceed 10,000 pounds;
- j. Vehicle has no more than two axles; and
- k. Vehicle is not one which tows or hauls disabled, wrecked or junked vehicles.

Public utility service building, including facilities for construction or repair, or for the service or storage of utility materials or equipment

C-5 District: Use is not located in Midlothian Area East.

Recreational, commercial-outdoor

C-5 District: Use is not located in Midlothian Area East.

Recreational equipment sales, service and repair excluding boats

C-5 District: Use is not located in Midlothian Area East.

Recreational equipment parking and storage

R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

MH-2, MH-3 Districts:

- a. No more than 2 items of equipment are located outside of a totally enclosed building on a zoning lot for each dwelling unit thereon;
- b. Except for loading and unloading, equipment is located in a rear yard and set back 10 feet from the rear property line and 5 feet from the side property line;
- c. Except for repair, the wheels of the equipment are not removed;
- d. Equipment is not used for living or commercial purposes; and
- e. Except for repair, equipment is not connected to utility services.

R-TH, R-MF Districts:

- a. Equipment is located in a common storage area that does not occupy required parking spaces; and
- b. Storage area is effectively screened from view.

C-5 District

I-1 District:

- a. Use is accessory to warehouse or mini-warehouse facility;
- b. Equipment maintenance does not occur;
- c. Equipment sales does not occur;
- d. Use is not required to be screened from view of I-2 or I-3 property or existing outside storage areas on adjacent property;
- e. Use is screened from view of roads or adjacent property, other than the property identified in f. below, by:
 - building layout;
 - durable architectural walls or fences constructed of comparable materials to, and design compatible with, the warehouse building(s); or
 - berms or land forms that are part of the natural terrain or integrated to appear as though they are part of the natural terrain; and
- f. Use is screened from view of adjacent R, R-TH, RMF, O, MH or I-1 property, or adjacent A property designated on the comprehensive plan for R, R-TH, R-MF, A, O, MH or I-1 uses. Screening is accomplished by a compound design where warehouse buildings block the view of the area. Openings between buildings are permitted to accommodate underground utilities, fire code requirements, and unique site constraints provided views through the openings is screened through the use of screening walls constructed of comparable materials to, and design compatible with, the warehouse building(s).

Recreational neighborhood facility primarily serving the surrounding residential community

R-C District:

- a. Use is located within the conservation area required by Section 19.1-86.;
- b. Maximum of 10 percent, but no less than 2 acres, of the designated conservation areas is used for community buildings and active recreation facilities (tennis courts, swimming pools, etc.) and accessory parking;
- c. Facilities and related parking are located and designed to minimize impacts on rural vistas, historic sites and natural resources;
- d. With the exception of playground areas (i.e., areas accommodating swings, jungle gyms, or similar such facilities), outdoor playfields, courts, swimming pools and similar active recreational areas are set back 100 feet from single family residential lot lines and 50 feet from roads except when the ultimate right-of-way has been expanded solely to accommodate a bikeway required by Sec. 19.1-208, then the setbacks shall be measured without including the expanded right-of-way. Indoor facilities or parking are permitted within the 100 feet. Within the 100 foot setback, a 50 foot buffer, planted at a density of 2.5 times Perimeter Landscaping C, is provided along the perimeter of active recreational facilities except where adjacent to a road;
- e. Playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) are set back a minimum of 40 feet from property lines. A 40 foot buffer, planted with Perimeter Landscaping C, is provided along the perimeter of the facilities except where adjacent to roads;
- f. Outside public address systems or speakers are not allowed; and
- g. Trails are set back 25 feet from property adjacent to the subdivision or single family residential lot line within the subdivision.

Recycling receiving center, excluding recycling drop-off bins

C-3, C-4, C-5 Districts:

- a. Material is limited to aluminum, glass, plastic and paper products;
- b. Use is located within a structure;
- c. Tractor trailer overnight parking, other than in designated loading/unloading areas, does not occur; and
- d. Use is not located in Midlothian Area East.

Rental of heavy equipment

C-5 District: Use is not located in Midlothian Area East.

Rescue squad

O-2 District:

- a. External sirens or public address systems, other than those mounted on emergency vehicles, are not permitted; and
- b. Garage-type doors are either architecturally compatible with area R, R-TH, R-MF or A property, or screened from view of adjacent R, R-TH or R-MF property, or adjacent A property shown on the comprehensive plan for residential use.

Restaurant, carry out

C-2, C-3, Districts: In Bon Air Special Design District, the use does not have a drive-in window or curb service.

Restaurant, fast food or drive-in**C-3, C-4, C-5 Districts:**

- a. In Bon Air Special Design District, the use does not have a drive-in window or curb service; or
- b. Use is not located in Chester Special Design District.

Retail sale of goods or articles manufactured or assembled as accessory to a permitted use

I-1, I-2, I-3 Districts: Sales area does not exceed 30% of gross floor area of primary use up to maximum of 2,000 gross square feet.

Salvage barn

C-5 District: Use is not located in Midlothian Area East.

Satellite dish**1. O-1, O-2 Districts****C-1, C-2, C-3, C-4 Districts****I-1 Districts:**

- a. It is accessory to a principal use; and
- b. Dish diameter does not exceed 12 feet.

2. C-5 District: It is not located in Midlothian Area East.**School, art**

I-1, I-2, I-3 Districts: Use is located on the interior of the project, not along any road on the periphery of the project.

School, business

I-1, I-2, I-3 Districts: Use is located on the interior of the project, not along any road on the periphery of the project.

School, dance**O-2 District**

I-1, I-2, I-3 Districts: Use is located on the interior of the project, not along any road on the periphery of the project.

School, martial arts

I-1, I-2, I-3 Districts: Use is located on the interior of the project, not along any road on the periphery of the project.

School, music

O-2 District

I-1, I-2, I-3 Districts: Use is located on the interior of the project, not along any road on the periphery of the project.

School, vocational

O-2 District

I-1, I-2, I-3 Districts: Use is located on the interior of the project, not along any road on the periphery of the project.

Shed building sales

C-5 District: Use is not located in Midlothian Area East.

Sign, changeable copy**R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts****R-TH, R-MF Districts****MH District****A District****O-1, O-2 Districts****C-1, C-2, C-3, C-4, C-5 Districts****I-1, I-2, I-3 Districts:**

- a. Except as stated herein, sign complies with Article IV. Division 6.;
- b. Sign is not located on A, MH, R, R-TH or R-MF property unless the property is occupied by a church, place of worship, public park or school or the sign serves as the residential community entrance sign at the primary entrance into a development having community open space and recreational facilities;
- c. Sign is not incorporated into a nonconforming sign;
- d. In projects with outparcels, signs are spaced 30 feet apart;
- e. Changeable copy is integrated into a permitted freestanding sign per 19.1-276.B.;
- f. Except for an outdoor advertising sign which is governed by Sec. 19.1-279, changeable copy shall be designed as an integral component of a monument sign compatible with the architectural style of the principal building which it serves provided that if the principal building does not conform to the architectural standards of the Design District in which located, the director of planning may approve a monument sign that has an alternative architectural style. For a permitted outdoor advertising sign, changeable copy is incorporated into sign structure meeting sign design requirements of Sec. 19.1-279;
- g. Changeable copy for outdoor advertising sign which is governed by Sec. 19.1-279 shall be limited to computer controlled variable message electronic sign (EMC);
- h. Except for an outdoor advertising sign which is governed by Sec. 19.1-279, a permitted freestanding sign area may be increased by 25 percent for the purpose of including manual changeable copy, provided the area by which the sign is increased is used solely for such changeable copy. The area of manual changeable copy is limited to one-half or less of the total area of the sign face; and
- i. Fixed message electronic display shall be limited to one-third of permitted sign face and shall default to blank copy if there is a malfunction in the device; and
- j. For an outdoor advertising sign which is governed by Sec. 19.1-279, or where the only changeable copy is computer controlled variable message electronic sign (EMC) copy, the area of changeable copy may include entire sign face.

Sign, computer controlled variable message electronic sign (EMC):**R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts****R-TH, R-MF Districts****MH-2, MH-3 Districts****A District****O-1, O-2 Districts****C-1, C-2, C-3, C-4, C-5 Districts****I-1, I-2, I-3 Districts:**

- a. Sign complies with restrictions of changeable copy sign and outdoor advertising sign as applicable;
- b. Sign is not incorporated into a nonconforming sign or a sign containing manual copy;
- c. Except for a permitted outdoor advertising sign, sign is not located in Belmont Turner Area Central, Bon Air Special Design District, Chester Area Central, Midlothian Area West or Route 10 Area North as shown on the zoning map;
- d. Excluding copy that includes only current time of day or outdoor temperature; interval of copy change for a permitted EMC sign is limited as follows:
 - 5 minutes for property located in A, MH, R, R-TH, R-MF districts, if such sign is the freestanding sign for property occupied by a church, place of worship, public park or school. Any other EMC located in A, MH, R, R-TH, R-MF districts shall only be permitted by conditional use and may be subject to more restrictive standards than this section;
 - 1 minute for property located outside of a mixed-use or nonresidential community in O, C and I districts or an outparcel within such a community;
 - 10 seconds for mixed-use or nonresidential community sign; or
 - 10 seconds for outdoor advertising sign;
- e. Excluding copy that includes only current time of day, date or outdoor temperature, copy changes simultaneously;
- f. Copy does not move, or give the illusion of movement, such as, blink, scroll, flash, spin, fly in/out, scintillate or similar effects; however, copy may fade as transition to next copy;
- g. Copy is limited to a still image or lines of text;
- h. Excluding outdoor advertising signs greater than 200 square feet (s/f) in area, displays shall be high resolution having no larger than 12 mm pixel pitch. Outdoor advertising signs greater than 200 s/f and less than 400 s/f shall have a maximum pixel pitch of 16 mm. Outdoor advertising signs greater than 400 s/f shall have a maximum pixel pitch of 20 mm;
- i. Sign defaults to blank copy if there is a malfunction in device;
- j. Sign does not display coordinated messages which are intended to be continued on opposite sign face, other signs on-site or signs off-site;
- k. A photocell or other device is used that automatically adjusts brightness according to ambient conditions; and
- l. Brightness does not exceed 0.3 foot candles above ambient light as measured at a distance in feet that is the square root of the sign area in square feet multiplied by 100 (Distance from Sign= $\sqrt{\text{Sign Area (Sq. ft)} \times 100}$).

Solar energy facility, limited**1. R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts****R-TH, R-MF Districts****MH-1, MH-2, MH-3 Districts**

- a. Use is accessory to the permitted use it is intended to serve;
- b. Facility serves, and is designed to serve, the electricity or thermal needs of the property on which located only and in no case generates more than 20 kW. This restriction would not preclude interconnection to the electric grid;
- c. Facility is either roof mounted upon a permitted building or ground mounted;
- d. Facility mounted upon roof of building shall meet height, setback, and any historic preservation requirements applicable to the building; and
- e. Ground mounted facility shall meet accessory structure height, setback and any historic preservation requirements.

2. A District:**Option 1**

- a. Use is accessory to the permitted use it is intended to serve;
- b. Facility serves, and is designed to serve, the electricity or thermal needs of the property on which located only. This restriction would not preclude interconnection to electric grid;
- c. Facility is either roof mounted upon a permitted building or ground mounted;
- d. Facility mounted upon roof of building shall meet height, setback and any historic preservation requirements applicable to building; and
- e. Ground mounted facility shall meet non-farm accessory structure height, setback and any historic preservation requirements.

Option 2

- a. Use is located on a farm, three acres or more and is accessory to the permitted agricultural business or agricultural operation on the property;
- b. Facility is either roof mounted upon a permitted building or ground mounted;
- c. Facility mounted upon roof of building shall meet height, setback and any historic preservation requirements applicable to building;
- d. Ground mounted facility shall meet non-farm accessory structure height, setback and any historic preservation requirements; and
- e. Facility complies with provisions of Sections 56-594 and 56-594.2 of the Code of Virginia as applicable.

Solar energy facility, limited-Continued**3. O-1, O-2 Districts****C-1, C-2, C-3, C-4, C-5 Districts****I-1, I-2, I-3 Districts:**

- a. Use is accessory to the permitted use it is intended to serve;
- b. Facility serves, and is designed to serve, the electricity or thermal needs of the property on which located only. This restriction would not preclude interconnection to electric grid;
- c. Facility is either roof mounted upon a building containing a permitted use or ground mounted;
- d. Facility mounted upon roof of building shall meet height, setback, any applicable historic preservation or design district, and provisions of Section 19.1-317; and
- e. Ground mounted facility shall not exceed 25 feet in height, setback and any applicable historic preservation or design district requirements applicable.

Solar energy facility, small scale**I-1, I-2, I-3 Districts:**

- a. Ground mounted solar equipment shall be set back the greater of building setback required for the district or 25 feet and not exceed a height of 25 feet;
- b. Facility is located on a property having a principal use;
- c. Solar facility shall not be located any closer to road than the principal building or use;
- d. Ground mounted solar equipment shall comply with the screening provisions of Secs. 19.1-260 or 19.1-261, provided that the director of planning may approve alternative treatments where it is demonstrated that due to buffers, terrain or other site-specific conditions the visual impact of such facilities on adjacent properties or right-of-way is sufficiently mitigated.
- e. Building mounted equipment shall comply with applicable building design standards and shall not exceed height requirements of the building upon which located;
- f. The design and installation of facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall 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 shall be submitted for review and approval as part of the site plan application, or building permit if not requiring site plan review, and may be modified through request to, and approval, by the director of planning;
- g. Generation of power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials;
- h. Solvents necessary for the cleaning of solar panels shall be biodegradable;
- i. Wiring, excluding that which is on a solar array, shall be located underground except where necessary to directly connect to public service corporation or other recipient of power distribution;
- j. Solar panels shall be placed so as to prevent concentrated solar radiation, heat or glare being directed onto other properties or roads;

Solar energy facility, small scale-Continued

- k. Solar equipment shall not be utilized to provide advertising or function as signs;
- l. Noise generated by the facility shall not 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.
- m. Decommissioning plan shall be submitted to director of planning with the required site plan and shall comply with the decommissioning requirements of 19.1-52.D.4.
- n. A solar facility, or any portion thereof, shall be considered abandoned where not utilized for the generation of electricity for a continuous period of six months. The director of planning may extend time period where evidence is provided by the facility owner or operator demonstrating that the failure to utilize facility for power generation is beyond reasonable control of owner or operator, facility is operationally capable of generation and has not been abandoned; and
- o. Where solar energy facility is abandoned or where a county building official determines the 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 owner or other responsible party within time specified by official. If compliance is not achieved within specified time period, the county may pursue legal action to achieve removal at owner's expense.

Storage, outside**1. C-3 and C-4 Districts excluding the Employment Center Design District:**

- a. Use is not located in the Bon Air Special Design District;
- b. Outside storage is accessory to a permitted or restricted use;
- c. Storage area plus any permitted outside display located outside of covered pedestrian ways does not exceed 10 percent of the gross floor area of the principal use.
- d. Unless restrictions of a specific use address outside storage screening requirements, the area is screened from view of adjacent property on which such uses are not permitted, A property designated on the comprehensive plan for R, R-TH, R-MF, A, O, MH or I-1 uses, and roads; and
- e. View is minimized from limited access roads through site or architectural design, topography, landscaping, setbacks or other features.

2. C-3 and C-4 Districts in the Employment Center Design District:

- a. Outside storage is accessory to a permitted or restricted use;
- b. Storage area plus any permitted outside display located outside of covered pedestrian ways does not exceed 10 percent of the gross floor area of the principal use.
- c. The area is screened from view of adjacent property and roads by building design or durable architectural walls constructed of comparable materials to, and designed to be compatible with, the building.

Storage, outside-Continued**3. C-5 District excluding the Employment Center Design District:**

- a. Outside storage is accessory to a permitted or restricted use;
- b. Unless restrictions of a specific use address outside storage screening requirements, the area is screened from view of adjacent property on which such uses are not permitted, A property designated on the comprehensive plan for R, R-TH, R-MF, A, O, MH or I-1 uses, and roads; and
- c. View is minimized from limited access roads through site or architectural design, topography, landscaping, setbacks or other features.

4. C-5, I-2, I-3 Districts in Employment Center Design District:

- a. Outside storage is accessory to a permitted or restricted use;
- b. Storage area does not exceed 50 percent of the gross floor area of the principal use;
- c. The area is screened from view of adjacent property and roads by building design or durable architectural walls constructed of comparable materials to, and designed to be compatible with, the building.

5. I-2, I-3 Districts excluding the Employment Center Design District:

- a. Unless restrictions of a specific use address outside storage screening requirements, the area is screened from view of adjacent property on which such uses are not permitted, A property designated on the comprehensive plan for R, R-TH, R-MF, A, O, MH or I-1 uses, and roads that are designed to accommodate through traffic movements; and
- b. View is minimized from limited access roads through site or architectural design, topography, landscaping, setbacks or other features.

Theater, drive-in

C-5 District: Use is not located in Midlothian Area East.

Travel trailer park**C-5 District:**

- a. Property was zoned B-T and operated as a travel trailer park prior to April 12, 1989; and
- b. Use conforms to the requirements in effect for B-T districts prior to April 12, 1989.

Travel trailer sales, service, repair and rental

C-5 District: Use is not located in Midlothian Area East.

Truck rental

C-5 District: Use is not located in Midlothian Area East.

Truck terminal

C-5 District: Use is not located in Midlothian Area East.

Utility trailer rental

C-5 District: Use is not located in Midlothian Area East.

Utility trailer sales, service and repair

C-5 District: Use is not located in Midlothian Area East.

Utility uses requiring a structure not including: water and wastewater lines and appurtenances; service lines to consumers; and below or above ground cables, wires or pipes, when the uses are located in easements

O-1, O-2 Districts

C-1, C-2, C-3, C-4, C-5 Districts

I-1, I-2, I-3 Districts: If visible from adjacent R, R-TH, R-MF or O property, or A property shown on the comprehensive plan for R, R-TH or R-MF or O uses, it is either located within an enclosed structure having a style and character compatible with surrounding residential or office structures, or screened from view.

Vendor, outdoor, Christmas tree

C-2, C-3, C-4, C-5 Districts:

- a. Sales are restricted to retail of Christmas trees, wreaths, holly and similar decorative horticultural materials;
- b. Sales do not begin before November 15;
- c. Sales area is located in accordance with yard setbacks requirements of the district;
- d. If located on the same property as a permanent use, the required minimum and most convenient parking spaces for the permanent use is not used for the vendor use;
- e. 1 temporary stand not to exceed 200 square feet is allowed;
- f. 1 properly licensed, inspected and operative truck or other vehicle associated with the vendor use is parked; and
- g. Temporary stand, vehicle, signs, trash, debris or other material associated with, or resulting from, the use is removed no later than January 15.

Vendor, outdoor, fruit, vegetable and prepared food

1. C-2 District:

- a. Sales are restricted to retail of fruits, vegetables and prepared food;
- b. Use is located on property occupied by a permanent use;
- c. Use is located where improved permanent parking facilities are available for use;
- d. Required minimum and most convenient parking spaces for the permanent use are not used;
- e. Vendor areas are either:
 - set back 100 feet from R, R-TH or R-MF property, or A property designated for residential use on the comprehensive plan; or
 - sales areas are separated from such property by a permanent building;
- f. Vendor areas conform to the setback requirements of the district except in Ettrick Special Design District or the Northern Jefferson Davis Highway Design District where use may be located within permitted hardscaped pedestrian areas;
- g. 1 stand not to exceed 200 square feet is allowed;
- h. 1 properly licensed, inspected and operative truck or other vehicle associated with the vendor use is parked;
- i. Use is not operated more frequently than 3 consecutive days nor more than 3 days in any 7 day period beginning on Monday and ending on Sunday;
- j. Hours of operation is limited to those of the permanent use;
- k. Stand, vehicle, signs, trash, debris or other material associated with, or resulting from, the use is removed no later than 24 hours following the end of each sales period.

2. C-3, C-4, C-5 Districts:

- a. Sales are restricted to retail of fruits, vegetables and prepared food;
- b. Use is located on property occupied by a permanent use;
- c. Use is located where improved permanent parking facilities are available for use;
- d. Required minimum and most convenient parking spaces for the permanent use are not used;
- e. Vendor areas are either:
 - set back 1,000 feet from R, R-TH or R-MF property, or A property designated for residential use on the comprehensive plan; or
 - sales areas are separated from such property by a permanent building;
- f. Vendor areas conform to the setback requirements of the district except in the Northern Jefferson Davis Highway Design District where use may be located within permitted hardscaped pedestrian areas; and
- g. Stands, vehicles, signs, trash, debris or other material associated with, or resulting from, the use is removed no later than 24 hours following the cessation of the use.

Veterinary clinic

O-1, O-2 Districts

C-1 District:

- a. Animal boarding does not occur;
- b. Outside runs are not allowed; and
- c. Overnight care does not occur.

Warehouse, accessory to a permitted use**1. O-2 District:**

- a. Warehouse area does not exceed 25 percent of the gross floor area of the individual tenant office space; and
- b. Warehouse area within an office building is served by a single loading door or dock.

2. C-3, C-4 Districts:

If the loading/warehouse area is oriented toward adjacent R, R-TH, R-MF or O property, or adjacent A property shown on the comprehensive plan for R, R-TH, R-MF or O use, the building is set back 100 feet from such property; and the setback is landscaped at a density of 2.5 times Perimeter Landscaping C.

Winery, craft**1. C-2 Districts:**

- a. Use is accessory to a restaurant;
- b. Use produces primarily for on-site consumption or sale;
- c. Yearly, use produces a maximum of 3,000 cases, each case holding a maximum of 12 bottles containing no more than 750 ml per bottle or each case holding a maximum of 9 liters of wine; and
- d. Maximum of 10 persons are engaged in the production of wine.

2. C-3, C-4, C-5 Districts:

- a. Use produces primarily for on-site consumption or sale;
- b. Yearly, use produces a maximum of 3,000 cases, each case holding a maximum of 12 bottles containing no more than 750 ml per bottle or each case holding a maximum of 9 liters of wine; and
- c. Maximum of 15 persons are engaged in the production of wine.

Yard sale

R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

R-TH, R-MF Districts

MH-2, MH-3 Districts

A District:

- a. Use is accessory to the principal use;
- b. Use is conducted by the owner or lessee of the property on which it occurs;
- c. Sales items are limited to personal property owned by the seller and usual to a household;
- d. A sale does not exceed two days in duration;
- e. A maximum of 4 sales occur in any one calendar year; and
- f. There are no more than 2 sales within a 30-day period.

(Ordinance of 6-22-16; Ordinance of 9-28-16; Ordinance of 10-26-16; Ordinance of 12-14-16; Ordinance of 5-24-17; Ordinance of 10-25-17; Ordinance of 8-22-18; Ordinance of 5-22-19; Ordinance of 7-24-19; Ordinance of 10-23-19; Ordinance of 6-24-20)

Sec. 19.1-54. Restricted Uses Listed as “R(1)”, “R(2)” or “R(3)”.

Those uses listed as “R(1)”, “R(2)” or “R(3)” in Table 19.1-52.A. shall be permitted in the respective zoning districts provided that the restrictions as outlined below are met. If the restrictions cannot be met, the use may be allowed in the respective zoning district through either a Conditional Use or Special Exception through either a Conditional Use or Special Exception.

Uses noted with R(1)^{[1] [2]}

O-2 District:

1. Uses are located in projects of 25 acres or more;
2. Uses are located internally to the project, not along any road on the periphery of the project; and
3. Uses collectively do not exceed a gross floor area of 30 percent of the gross floor area of permitted by-right uses which are under construction or occupied in the project.

^[1] The uses noted with **R(1)** include the following: Artist material and supply store; Bakery goods store; Banks with or without drive-in window; Barber shop; Beauty shop; Book store; Camera store; Candy store; Conference Center; Convenience store; Drug store; Dry cleaning pick up, drop off and coin operated; Florist shop; Grocery store; Hardware store; Health club; Hotel; Laundromat; Magazine store; Meat market; Newspaper store; Office supply store; Paint store; Restaurant, sit down; Seafood market; Shoe repair shop; Stationery store; Tailor shop; Video rental and sales store; and Wallpaper store

^[2] The uses noted with **R(1)** also include the following and are only permitted provided the restrictions listed under **R(1)** plus the restrictions listed in Section 19.1-53. for the specific use in a C-3 District are met: Brewery, craft; Distillery, craft; Winery, craft

Uses noted with R(2)^[1]

C-4 District: Uses collectively do not exceed 30 percent of the gross acreage of the project.

^[1] The uses noted with **R(2)** include the following: Amusement goods manufacturing; Apparel manufacturing; Appliance manufacturing, household; Artist material manufacturing; Athletic goods manufacturing; Bakery products manufacturing; Blending, mixing and compounding of manufactured goods; Broom manufacturing; Brush manufacturing; Button manufacturing; Cane manufacturing; Clock manufacturing; Coating and allied services; Coffee product manufacturing; Cold storage; Communication equipment manufacturing; Computer equipment; Confectionery and related products manufacturing; Controlling instrument manufacturing; Cosmetic manufacturing (compounding only); Dry cleaning plant; Electrical equipment manufacturing; Electronic component and accessories manufacturing; Engraving and allied services; Fabric good manufacturing; Flavor extracts manufacturing; Freight forwarding, packaging and crating services, excluding truck terminal; Fur dressing and dyeing; Furniture and fixtures manufacturing, assembly only from finished materials; Jewelry manufacturing; Laboratory, other; Lamp shade manufacturing; Leather products manufacturing, excluding tanning; Lighting equipment manufacturing; Machine shop; Mattress manufacturing, assembly only from finished materials; Metal products manufacturing, sheet; Mini-storage/mini-warehouse facility; Mortician's goods manufacturing; Motion picture production; Moving company; Musical instrument and parts manufacturing; Notions manufacturing; Novelty manufacturing; Office supply manufacturing; Optical goods manufacturing; Paper conversion to paperboard products; Paper recycling by the compaction method; Pen manufacturing; Pencil manufacturing; Pharmaceutical products manufacturing; Photographic goods manufacturing; Plastic products manufacturing; Plated ware manufacturing; Printing and allied industries; Professional instruments manufacturing; Publishing and allied industries; Recycling and processing of any material permitted to be manufactured in the I-1 District, except paper; Research and development facility; Scientific instruments manufacturing; Silverware manufacturing; Soft drink bottling and canning; Spice manufacturing; Sporting goods manufacturing; Syrup manufacturing; Tea manufacturing; Toiletry

manufacturing (compounding only); Toy manufacturing; Umbrella manufacturing; Warehouse, principal use; Watch manufacturing; Water bottling and canning, carbonated; Wholesale house and distributor, excluding greenhouse or plant nursery;

Uses noted with **R(3)**^{[1] [2] [3]}

I-1, I-2, I-3 Districts:

1. Uses are located in projects of 25 acres or more;
2. Uses are located internally to the project, not along any road on the periphery of the project;
3. Uses collectively do not exceed a gross floor area of 30 percent of the gross floor area of permitted by-right uses in the district in which located (either I-1, I-2 or I-3) which are under construction or occupied in the project; and
4. Uses are primarily for the convenience of the employees of the industrial uses.

^[1] The uses noted with **R(3)** include the following: Artist material and supply store; Bakery goods store; Banks with or without drive-in window; Barber shop; Beauty shop; Book store; Camera store; Candy store; Convenience store; Day care adult; Day care child; Drug store; Dry cleaning pick up, drop off, and coin operated; Florist shop; Grocery store; Hardware store; Laundromat; Magazine store; Massage clinic; Meat market; Messenger service; Newspaper store; Office supply store; Paint store; Restaurant, carry-out; Restaurant, fast food or drive-in; Restaurant, sit down; Seafood market; Shoe repair shop; Stationery store; Tailor shop; Telegraph service; Video rental and sales store; Wallpaper store

In addition to the above, in the I-1 District, Automobile self service station; Automobile self service station, unmanned; and Motor vehicle self service station, unmanned are permitted with the restrictions outlined herein.

^[2] The uses noted with **R(3)** also include the following and are only permitted provided the restrictions listed under **R(3)** plus the restrictions listed in Section 19.1-53. for the specific use in a C-1 District are met: Athletic field, privately operated; Automobile accessory store; Check cashing incidental use; Clinic, medical, dental or optical; Eyewear sales and service; Intercom accessory to permitted use; Parking lot commercial; Park, private; Pet grooming; Veterinary clinic

^[3] The uses noted with **R(3)** also include the following and are only permitted provided the restrictions listed under **R(3)** plus the restrictions listed in Section 19.1-53. for the specific use in a C-3 District are met: Brewery, craft; Distillery, craft; Winery, craft

(Ordinance of 5-24-17)

Sec. 19.1-55. through 19.1-59. Reserved

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	
8/26/2015	2	Requirements for Communication Small Cells	94487.1
6/22/2016	3	Bon Air Special Design District	96319.3
9/28/2016	4	Limited Events	96971.2
10/26/2016	5	Bikeways	96806.3
12/14/2016	6	Tractor Trailer Service Stations	97242.1
5/24/2017	7	Commercial & Industrial Uses	98093.3
10/25/2017	8	Communication Small Cells	98701.1
	9-10	Versions not used	
8/22/2018	11	Northern Jefferson Davis Highway Design District	112805.1
	12,13	Versions not used	
5/22/2019	14	(19.1-53) Solar Energy	114694.1
7/24/2019	15	(19.1-53) Sign Standards	115607.1
10/23/19	16	(19.1-53) Route 1 Residential Overlay	115877.1
6/24/2020	17	(19.1-53) EMC Sign Resolution, Changeable Copy and Recreational Facility Signs	116648.1

DIVISION 3. R-88 RESIDENTIAL DISTRICT

Sec. 19.1-60. Purpose and Intent of R-88 District. Reserved.

Sec. 19.1-61. Required Conditions R-88 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an R-88 District.

A. Lot and Building Standards.

Table 19.1-61.A. Required Conditions R-88 District	
A. Lot Standards	
1. Lot area and width	
a. Area (square feet)	88,000 ^{[1][2]}
b. Width (feet)	
1) Fronting on major arterial	300
2) Fronting on other road	150
2. Lot coverage (maximum %)	20
B. Road Frontage for lots intended for dwelling purposes (feet)	
1. Family subdivision lot	15
2. Other lots ^[3]	
a. Permanent cul-de-sac	30
b. Radius of a loop street	30
c. Other roads ^[4]	50
C. Principal Building Setbacks (feet)^[5]	
1. Front yard ^[6]	
a. Non cul-de-sac	75
b. Permanent cul-de-sac	25
2. Interior side yard	40
3. Corner side yard	
a. Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[7]	40
b. Other lot	75
4. Rear yard	
a. Non through lot	50
b. Through lot	75
D. Principal Building Heights (maximum)^[8]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other	Lesser of 3 stories or 40 feet
E. Accessory Building Requirements	
	Subject to Section 19.1-304

Notes for Table 19.1-61.A.

- [1] For lots not having direct access onto a major arterial road, lot area may be reduced to 65,340 square feet or 43,560 square feet with use of public water and wastewater. If lot area is reduced, the maximum number of lots permitted shall be based upon the calculation as shown in Figure 19.1-61.A.
- [2] Subject to the provisions of Chapter 12 relative to use of private onsite water and wastewater facilities, the area of a lot which shares a common boundary with a buffer, bikeway or tree canopy preservation area may be reduced in accordance with Sec. 19.1-306.
- [3] For flag lots, road frontage may be reduced to 30 feet.
- [4] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless through the preliminary plat review process it is determined that extension of the stub street is not needed to serve future development.
- [5] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [6] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [7] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [8] Height limits are subject to Article IV, Division 2.

Figure: 19.1-61.A.

Base Site Acreage Calculation	
Enter- Gross acreage of subdivision based upon actual survey	
Subtract- Acreage noncontiguous to the main development (includes land that does not share a common boundary with main development, or is separated from main development by existing road, railroad, perennial stream or existing development)	
Subtract- Acreage in ultimate rights-of-way of existing and proposed roads	
Subtract -Acreage within limits of base flood or resource protection areas	
Subtract- Acreage used to calculate permitted density of an adjacent subdivision	
Equals BASE SITE acreage	

Base Lot Calculation	
Enter Base Site Acreage	
Multiply by	0.5
Equals number of Base Lots	

Bonus Lot Calculation	
Enter acreage in preserved open space ^[1]	
Multiply by	1.0
Equals number of Bonus Lots	

Total Lot Calculation	
	Enter number of Base lots
	Add number of Bonus lots
	Equals Total number of Lots Permitted

Notes for Figure 19.1-61.A.

- [1] Excludes acreage subtracted to determine Base Site Acreage. Area shall meet Standards for Classification of Real Estate as Devoted to Open-Space Use under Virginia Land Use Assessment Law; however, regardless of size, areas otherwise qualifying as real estate devoted to open space are eligible for credit toward the bonus calculation. Further, the open space shall be located in a recorded perpetual easement held by the county devoting the area to open space use.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

(Ordinance of 10-26-16; Ordinance of 1-22-20)

Sec. 19.1-62. through 19.1-64. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94259.1
10/26/2016	2	Bikeways	96806.3
	3-4	Versions not used	
1/22/20	5	Upper Swift Creek Tree Preservation	115976.1

DIVISION 4. R-40 RESIDENTIAL DISTRICT

Sec. 19.1-65. Purpose and Intent of R-40 District. Reserved.

Sec. 19.1-66. Required Conditions R-40 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an R-40 District.

A. Lot and Building Standards.

Table 19.1-66. A. Required Conditions R-40 District	
A. Lot Standards	
1. Lot area and width	
a. Area (square feet)	40,000 ^{[1][2]}
b. Width (feet)	150
2. Lot coverage (maximum %)	20
B. Road Frontage for lots intended for dwelling purposes (feet)^[3]	
1. Family subdivision lot	15
2. Other lots	
a. Permanent cul-de-sac	30
b. Radius of a loop street	30
c. Other roads ^[4]	50
C. Principal Building Setbacks (feet)^[5]	
1. Front yard ^[6]	
a. Non cul-de-sac	60
b. Permanent cul-de-sac	25
2. Interior side yard	20
3. Corner side yard	
a. Lots recorded on, or after, 4/1/1974	
1) Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[7]	30
2) Other lot	55
b. Lots recorded prior to 4/1/1974	30
4. Rear yard	
a. Non through lot	50
b. Through lot	60
D. Principal Building Heights (maximum)^[8]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other	Lesser of 3 stories or 40 feet
E. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-66.A.

- [1] Lot area requirements may be impacted by the availability of public utilities. Refer to Chapter 12.
- [2] The area of a lot which shares a common boundary with a buffer, bikeway or tree canopy preservation area may be reduced in accordance with Sec. 19.1-306.
- [3] For flag lots, road frontage may be reduced to 30 feet.
- [4] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless through the preliminary plat review process it is determined that extension of the stub street is not needed to serve future development.
- [5] Setbacks may be impacted by Buffer, Setbacks -- Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [6] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [7] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [8] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

(Ordinance of 10-26-16; 1-22-20)

Sec. 19.1-67. through 19.1-69. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94260.1
10/26/2016	2	Bikeways	96806.3
	3-5	Versions Not Used	
1/22/20	6	Upper Swift Creek Tree Preservation	115976.1

DIVISION 5. R-25 RESIDENTIAL DISTRICT

Sec. 19.1-70. Purpose and Intent of R-25 District. Reserved.

Sec. 19.1-71. Required Conditions R-25 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an R-25 District.

A. Lot and Building Standards.

Table 19.1-71.A. Required Conditions R-25 District	
A. Lot Standards	
1. Lot area and width	
a. Area (square feet)	25,000 ^{[1][2]}
b. Width (feet)	120
2. Lot coverage (maximum %)	25
B. Road Frontage for lots intended for dwelling purposes (feet)^[3]	
1. Family subdivision lot	15
2. Other lots	
a. Permanent cul-de-sac	30
b. Radius of a loop street	30
c. Other roads ^[4]	50
C. Principal Building Setbacks (feet)^[5]	
1. Front yard ^[6]	
a. Non cul-de-sac	50
b. Permanent cul-de-sac	25
2. Interior side yard	15
3. Corner side yard	
a. Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[7]	25
b. Other lot	45
4. Rear yard	
a. Non through lot	40
b. Through lot	50
D. Principal Building Heights (maximum)^[8]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other	Lesser of 3 stories or 40 feet
E. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-71.A.

- [1] Lot area requirements may be impacted by the availability of public utilities. Refer to Chapter 12.
- [2] The area of a lot which shares a common boundary with a buffer, bikeway or tree canopy preservation area may be reduced in accordance with Sec. 19.1-306.
- [3] For flag lots, road frontage may be reduced to 30 feet.
- [4] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless through the preliminary plat review process it is determined that extension of the stub street is not needed to serve future development.
- [5] Setbacks may be impacted by Buffer, Setbacks -- Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [6] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [7] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [8] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

(Ordinance of 10-26-16; 1-22-02)

Sec. 19.1-72. through 19.1-74. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94262.1
10/26/2016	2	Bikeways	96806.3
	3-5	Versions Not Used	
1/22/20	6	Upper Swift Creek Tree Canopy	115976.1

DIVISION 6. R-15 RESIDENTIAL DISTRICT

Sec. 19.1.75. Purpose and Intent of R-15 District. Reserved.

Sec. 19.1-76. Required Conditions R-15 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an R-15 District.

A. Lot and Building Standards.

Table 19.1-76.A. Required Conditions R-15 District	
A. Lot Standards	
1. Lot area and width	
a. Area (square feet)	15,000 ^{[1][2]}
b. Width (feet)	100
2. Lot coverage (maximum %)	30
B. Road Frontage for lots intended for dwelling purposes (feet)^[3]	
1. Family subdivision lot	15
2. Other lots	
a. Permanent cul-de-sac	30
b. Radius of a loop street	30
c. Other roads ^[4]	50
C. Principal Building Setbacks (feet)^[5]	
1. Front yard ^[6]	
a. Non cul-de-sac	40
b. Permanent cul-de-sac	25
2. Interior side yard	
a. Lots recorded after 12/11/1945	15
b. Lots recorded on, or prior to, 12/11/1945	10
3. Corner side yard	
a. Lots recorded on, or after, 4/1/1974	
1) Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[7]	20
2) Other lot	35
b. Lots recorded prior to 4/1/1974	20
4. Rear yard	
a. Non through lot	25
b. Through lot	40
D. Principal Building Heights (maximum)^[8]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other	Lesser of 3 stories or 40 feet
E. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-76.A.

- [1] Lot area requirements may be impacted by the availability of public utilities. Refer to Chapter 12.
- [2] The area of a lot which shares a common boundary with a buffer, bikeway or tree canopy preservation area may be reduced in accordance with Sec. 19.1-306.
- [3] For flag lots, road frontage may be reduced to 30 feet.
- [4] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless through the preliminary plat review process it is determined that extension of the stub street is not needed to serve future development.
- [5] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [6] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [7] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [8] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

(Ordinance of 10-26-16; 1-22-20)

Sec. 19.1-77. through 19.1-79. Reserved.

History of Amendments			
<u>Date</u>	<u>Version</u>	<u>Description</u>	<u>Ordinance Doc. #</u>
6/24/2015	1	Date of Adoption	94263.1
10/26/2016	2	Bikeways	96806.3
	3-5	Versions Not Used	
1/22/20	6	Upper Swift Creek Tree Preservation	115976

DIVISION 7. R-12 RESIDENTIAL DISTRICT

Sec. 19.1-80. Purpose and Intent of R-12 District. Reserved.

Sec. 19.1-81. Required Conditions R-12 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an R-12 District.

A. Lot and Building Standards.

Table 19.1-81.A. Required Conditions R-12 District	
A. Lot Standards	
1. Lot area and width	
a. Area (square feet)	12,000 ^[1] ^[2]
b. Width (feet)	90
2. Lot coverage (maximum %)	30
B. Road Frontage for lots intended for dwelling purposes (feet)^[3]	
1. Family subdivision lot	15
2. Other lots	
a. Permanent cul-de-sac	30
b. Radius of a loop street	30
c. Other roads ^[4]	50
C. Principal Building Setbacks (feet)^[5]	
1. Front yard ^[6]	
a. Non cul-de-sac	35
b. Permanent cul-de-sac	25
2. Interior side yard	10
3. Corner side yard	
a. Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[7]	20
b. Other lot	30
4. Rear yard	
a. Non through lot	25
b. Through lot	30
D. Principal Building Heights (maximum)^[8]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other	Lesser of 3 stories or 40 feet
E. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-81.A.

- [1] Lot area requirements may be impacted by the availability of public utilities. Refer to Chapter 12.
- [2] The area of a lot which shares a common boundary with a buffer, bikeway or tree canopy preservation area may be reduced in accordance with Sec. 19.1-306.
- [3] For flag lots, road frontage may be reduced to 30 feet.
- [4] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless through the preliminary plat review process it is determined that extension of the stub street is not needed to serve future development.
- [5] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [6] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [7] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [8] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

(Ordinance of 10-26-16; 1-22-20)

Sec. 19.1-82. through 19.1-84. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94264.1
10/26/2016	2	Bikeways	96806.3
	3-5	Versions Not Used	
1/22/2020	6	Upper Swift Creek Tree Preservation	115976.1

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DIVISION 8. R-C CONSERVATION SUBDIVISION RESIDENTIAL DISTRICT**Sec. 19.1-85. Purpose and Intent of R-C District.**

The intent of the R-C District is to create varied and healthy subdivisions through the preservation of environmental, cultural and historical resources such as rural vistas, historic sites, and natural resources in conservation areas.

Sec. 19.1-86. Required Conditions R-C District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an R-C District.

- A. **Subdivision Standards.** Subdivisions in the R-C District shall meet the following requirements:

Conservation Areas.

- a. **Required Area and Purpose.** Fifty (50) percent of the subdivision land area, exclusive of collector and arterial roads, shall be located within permanent conservation areas. The primary purpose conservation shall be to preserve historic sites and to preserve rural vistas such as, but not limited to, ponds, pastures, working fields, and wooded lots, as viewed from collector and arterial roads. A secondary purpose shall be to preserve and promote natural resources such as, but not limited to, floodplains, wetlands, land forms to include hills and swales, streams and adjacent natural areas, and wildlife habitat.
- b. **Use and Ownership.** Conservation areas may include facilities for passive recreation such as, but not limited to, walking and riding trails. Such areas shall be set aside for the use and enjoyment of all residents of the development and placed in the ownership of, or subject to a recorded easement in favor of, a homeowners' association or a non-profit land trust which can manage the areas for the benefit of the homeowners. Alternatively, the areas may be set aside for the use and enjoyment of the public and placed in the ownership of, or subject to a recorded easement in favor of, the county or a non-profit land trust which can manage the areas for the benefit of the public.

B. Lot and Building Standards.

Table 19.1-86.B. Required Conditions R-C District	
A. Lot Standards	
1. Lot area and width	
a. Area (square feet)	12,000 ^{[1][2]}
b. Width (feet)	90
2. Lot coverage (maximum %)	30
B. Road Frontage for lots intended for dwelling purposes (feet)^[3]	
1. Family Subdivision Lot	15
2. Other Lots	
a. Permanent cul-de-sac	30
b. Radius of a loop street	30
c. Other roads ^[4]	50
C. Principal Building Setbacks (feet)^[5]	
1. Front yard ^[6]	
a. Non cul-de-sac	35
b. Permanent cul-de-sac	25
2. Interior side yard	10
3. Corner side yard	
a. Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[7]	20
b. Other lot	30
4. Rear yard	
a. Non through lot	25
b. Through lot ^[6]	35
D. Principal Building Height (maximum)^[8]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other	Lesser of 3 stories or 40 feet
E. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-86.B.

- [1] Lot area requirements may be impacted by the availability of public utilities. Refer to Chapter 12.
- [2] The area of a lot which shares a common boundary with a buffer or bikeway may be reduced in accordance with Sec. 19.1-306.
- [3] For flag lots, road frontage shall be reduced to 30 feet.
- [4] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless through the preliminary plat review process it is determined that extension of the stub street is not needed to serve future development.
- [5] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [6] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [7] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [8] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

(Ordinance of 10-26-16)

Sec. 19.1-87. through 19.1-89. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94265.1
10/26/2016	2	Bikeways	96806.3

DIVISION 9. R-9 RESIDENTIAL DISTRICT

Sec. 19.1-90. Purpose and Intent of R-9 District. Reserved.

Sec. 19.1-91. Limitation on the Granting of R-9 Zoning.

After August 27, 1997, R-9 zoning shall no longer be granted. Property zoned R-9 on or before August 27, 1997, shall continue to be subject to the provisions of this division.

Sec. 19.1-92. Required Conditions R-9 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an R-9 District.

A. Lot and Building Standards.

Table. 19.1-92.A. Required Conditions R-9 District	
A. Lot Standards	
1. Lot area and width	
a. Area (square feet)	9,000 ^{[1][2]}
b. Width (feet)	75
2. Lot coverage (maximum %)	30
B. Road Frontage for lots intended for dwelling purposes (feet)^[3]	
1. Family subdivision lot	15
2. Other lots	
a. Permanent cul-de-sac	30
b. Radius of a loop street	30
c. Other roads ^[4]	50
C. Principal Building Setbacks (feet)^[5]	
1. Front yard ^[6]	
a. Non cul-de-sac	30
b. Permanent cul-de-sac	25
2. Interior side yard	7.5
3. Corner side yard	
a. Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[7]	15
b. Other lot	25
4. Rear yard	
a. Non through lot	25
b. Through lot	30
D. Principal Building Heights (maximum)^[8]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other	Lesser of 3 stories or 40 feet
E. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-92.A.

- [1] Lot area requirements may be impacted by the availability of public utilities. Refer to Chapter 12.
- [2] The area of a lot which shares a common boundary with a buffer, bikeway or tree canopy preservation area may be reduced in accordance with Sec. 19.1-306.
- [3] For flag lots, road frontage may be reduced to 30 feet.
- [4] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless through the preliminary plat review process it is determined that extension of the stub street is not needed to serve future development.
- [5] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [6] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [7] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [8] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

(Ordinance of 10-26-16; 1-22-20)

Sec. 19.1-93. through 19.1-94. Reserved.

History of Amendments			
<u>Date</u>	<u>Version</u>	<u>Description</u>	<u>Ordinance Doc. #</u>
6/24/2015	1	Date of Adoption	94266.1
10/26/2016	2	Bikeways	96806.3
	3-5	Versions Not Used	
1/22/2020	6	Upper Swift Creek Tree Canopy Preservation	115976.1

DIVISION 10. R-7 RESIDENTIAL DISTRICT

Sec. 19.1-95. Purpose and Intent of R-7 District. Reserved.

Sec. 19.1-96. Limitation on the Granting of R-7 Zoning.

After August 27, 1997, R-7 zoning shall no longer be granted. Property zoned R-7 on or before August 27, 1997, shall continue to be subject to the provisions of this division.

Sec. 19.1-97. Required Conditions R-7 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an R-7 District.

A. Lot and Building Standards.

Table 19.1-97.A. Required Conditions R-7 District	
A. Lot Standards	
1. Lot area and width for lots recorded prior to 1/1/1989 which received tentative plat approval prior to 11/13/1985 and such plat has been properly renewed.	
a. Area (square feet)	7,000 ^[1]
b. Width (feet)	50
2. Lot area and width for lots where tentative approval is received on or after 11/13/1985	
a. Area (square feet)	9,000 ^{[1][2]}
b. Width (feet)	75
3. Lot coverage (maximum %)	30
B. Road Frontage for lots intended for dwelling purposes (feet)^[3]	
1. Family subdivision lot	15
2. Other lots	
a. Permanent cul-de-sac	30
b. Radius of a loop street	30
c. Other roads ^[4]	50
C. Principal Building Setbacks (feet)^[5]	
1. Front yard except for Ettrick Special Design District ^{[6][7]}	
a. Non cul-de-sac	30
b. Permanent cul-de-sac	25
2. Interior side yard	
a. Lots recorded after 12/11/1945	7.5
b. Lots recorded on, or prior to, 12/11/1945	5
3. Corner side yard	
a. Lots recorded on, or after, 4/1/1974	
1) Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[8]	15
2) Other lot	25
b. Lots recorded prior to 4/1/1974	15
4. Rear yard	
a. Non through lot	25
b. Through lot ^[9]	30
D. Principal Building Heights (maximum)^[10]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other	Lesser of 3 stories or 40 feet
E. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-97.A.

- [1] Lot area requirements may be impacted by the availability of public utilities. Refer to Chapter 12.
- [2] The area of a lot which shares a common boundary with a buffer, bikeway or tree canopy preservation area may be reduced in accordance with Sec. 19.1-306.
- [3] For flag lots, road frontage may be reduced to 30 feet.
- [4] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless through the preliminary plat review process it is determined that extension of the stub street is not needed to serve future development.
- [5] Setbacks may be impacted by Buffer, Setbacks--Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [6] For lots located in Ettrick Special Design District:
 - Between contiguous developed lots, front yard setback may be reduced to the least front yard setback of any principal building on any adjacent lot; or
 - For other developed lots, front yard setback may be reduced to the front yard setback of any principal building on the same side of the street and within 200 feet of the lot.
- [7] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [8] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [9] For lots located in Ettrick Special Design District:
 - Between contiguous developed lots, through yard setback may be reduced to the least through yard setback of any principal building on any adjacent lot; or
 - For other developed lots, through yard setback may be reduced to the through yard setback of any principal building on the same side of the street and within 200 feet of the lot.
- [10] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

(Ordinance of 10-26-16; 1-22-20)

Sec. 19.1-98. through 19.1-109. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94267.1
10/26/2016	2	Bikeways	96806.3
	3-5	Versions Not Used	
1/22/2020	6	Upper Swift Creek Tree Preservation	115976.1

DIVISION 11. R-TH RESIDENTIAL TOWNHOUSE DISTRICT

Sec. 19.1-110. Purpose and Intent of R-TH District. Reserved.

Sec. 19.1-111. Required Conditions R-TH District for Subdivision Recorded on or after 11/13/1985 and Which Did Not Have Valid Preliminary Plat Originally Approved Prior to 11/13/1985.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the R-TH District for a subdivision recorded on or after 11/13/1985 and which does not have a valid preliminary plat originally approved prior to 11/13/1985.

A. Subdivision Standards.

Table 19.1-111. A. Required Conditions R-TH District-Subdivision Standards	
A. Subdivision Size	10 acres ^[1]
B. Density	8 units per acre
C. Private Pavement Setbacks	
1. Major arterial	50 feet
2. Other road	15 feet
D. Common Area ^{[2][3]}	30% of subdivision acreage
E. Maximum Number of Attached Lots in Each Group ^[4]	10

Notes for Table 19.1-111. A.

- [1] Minimum acreage requirements do not apply to the Enon and Chester Special Design Districts.
- [2] Within required common area, except where lots abut a public street, a 5 foot wide common area shall be provided around the perimeter of each group of attached lots.
- [3] Within required common area, a minimum of 10% of the subdivision acreage, but in no case less than 1.5 acres, shall be provided for recreational facilities, including active recreation, passive recreation, and community buildings, as deemed appropriate during plan review. Unless a phasing plan is approved through preliminary plat review, construction shall be completed prior to issuance of building permits for individual townhouse units. An approved phasing plan may include limitations on the issuance of building permits for individual townhouse units.
- [4] The number of lots in each group of attached lots shall be varied throughout the subdivision.

B. Other Required Subdivision Standards.

1. Common Areas Ownership. Areas which are not contained in roads or in lots that are conveyed to individual owners shall be maintained by, and be the sole responsibility of, the developer and/or owner of the townhouse development, unless and until the developer and/or owner conveys such areas to a nonprofit corporate owner, whose members shall be all of the individual owners of townhouses in the development, or to a nonprofit council of co-owners as provided under the Code of Virginia. The land shall be conveyed to, and be held by, the nonprofit corporate owner or the nonprofit council of co-owners and used solely for the recreational and parking purposes of the individual townhouse lot owners. If the developer and/or owner makes the conveyance to a nonprofit corporate owner, deed restrictions and covenants, in a form and substance satisfactory to the county attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of such areas shall constitute a pro rata lien against the individual townhouse lots, inferior in dignity only to taxes and bona fide duly recorded deeds of trust on each townhouse lot. An applicant seeking to subject property to townhouse development under this section whose ownership or interest in the property is held by a valid lease, shall provide for an initial term of not less than 99 years in such lease.
2. Roads and Private Pavement. All roads and private pavement shall have concrete curb and gutter. All streets that accommodate general traffic circulation through a subdivision, as determined by the director of transportation, shall be designed and constructed to VDOT standards and taken into the state system.
3. Architecture. Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses. Townhouse buildings shall possess architectural variety while at the same time have an overall cohesive residential character. Residential character may be achieved through the creative use of design elements such as, but not limited to, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied rooflines, or other appurtenances such as lighting fixtures and planting.
4. Architectural and Landscaping Plans. In conjunction with construction plan submission, landscape and architectural renderings or elevations shall be submitted for approval.
5. Special Access Roads. There shall be no vehicular access from individual lots to special access roads.

C. Lot and Building Standards.

Table 19.1-111.C. Required Conditions R-TH District-Lot and Building Standards		
A. Lot Standards		
1. Lot area (square feet)		
a. Internal lot		1520
b. End lot in row of less than 5 attached lots		2320
c. End lot in row of 5 or more attached lots		2720
2. Lot width (feet)		
a. Internal lot		19
b. End lot in row of less than 5 attached lots		29
c. End lot in row of 5 or more attached lots		34
3. Lot coverage (maximum %)		50
B. Road Frontage for Townhouse Units ^[1]		
C. Principal Building Setbacks (feet) ^[2]		
1. Major arterial all yards		50
2. Front yard ^{[3][4]}		
a. Non cul-de-sac		20
b. Permanent cul-de-sac		20
3. Side yard		
a. End unit in a row of less than 5 attached lots		10
b. End unit in a row of 5 or more attached lots		15
4. Corner side yard		25
5. Rear yard		
a. Non through lot		25
b. Through lot		20
D. Principal Building Height (maximum) ^[5]		
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet	
2. Other	Lesser of 3 stories or 40 feet	
E. Accessory Building Requirements		Subject to Section 19.1-304

Notes for Table 19.1-111.C.

- [1] All lots shall have frontage on a road. If approved by the director of transportation, lots may front on private pavement which has direct access to a public road when the private pavement is designed and constructed in accordance with the provisions of Chapter 17 for alleys and private pavement.
- [2] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [3] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [4] The front yard setback of each unit shall be varied at least 2 feet from the adjacent unit and every third unit shall be varied at least 4 feet from the adjacent unit.
- [5] Height limits are subject to Article IV, Division 2.

Sec. 19.1-112. Required Conditions R-TH District for Subdivision Recorded Prior to 11/13/1985 or Which Had Preliminary Plat Originally Approved on or before 11/13/1985 and Plat has been Properly Renewed.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in a R-TH District for a subdivision recorded prior to 11/13/1985 or which had a preliminary plat originally approved on or before 11/13/1985, and such plat has been properly renewed.

A. Subdivision Standards.

Table 19.1-112. A. Required Conditions R-TH District-Subdivision Standards	
A. Subdivision Size	10 acres
B. Density (maximum)	10 units per acre
C. Parking Setbacks	
1. Major arterial	50 feet
2. Other road	15 feet
D. Common Area	[1]
E. Recreational Area [2]	10% of subdivision acreage, but no less than 1.5 acres
F. Maximum Number of Attached Lots in Each Group	10

Notes for Table 19.1-112. A.

- [1] Except where lots abut a road, a 10 foot wide common area shall be provided around the perimeter of each group of attached lots.
- [2] Recreational facilities shall be conveniently accessible within the development. Prior to recordation of any lots, a site plan for the recreational facilities shall be approved and incorporated into the master deed of the subdivision. Townhouse occupancy permits shall not be issued until either:
- the recreational facilities shall be have been completed according to the approved plan;
 - the whole project, including recreational facilities, has been 50 percent completed; or
 - a bond with approved surety in a form acceptable to the county has been provided.

B. Other Required Subdivision Standards.

1. Common Areas Ownership. Areas which are not contained in roads or within lots conveyed to individual owners shall be maintained by and be the sole responsibility of the developer and/or owner of the townhouse development, unless and until the developer and/or owner conveys the area to a nonprofit corporate owner whose members shall be all of the individual owners of townhouses in the townhouse development, or to a nonprofit council of co-owners as provided under the Code of Virginia. The land shall be conveyed to and be held by the nonprofit corporate owner or the nonprofit council of co-owners and used solely for the recreational and parking purposes of the individual townhouse lot owners. If the developer and/or owner makes the conveyance to a nonprofit corporate owner, deed restrictions and covenants, in a form and substance satisfactory to the county attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of the areas shall constitute a pro rata lien against the individual townhouse lots, inferior in dignity only to taxes and bona fide duly recorded deeds of trust on each townhouse lot. An applicant seeking to subject property to townhouse development under this section whose ownership or interest in the property is held by a valid lease, shall provide for an initial term of not less than 500 years in such lease.
2. Recreational Equipment and Vehicles. Parking and storing recreational equipment or vehicles shall be prohibited unless a common storage area is provided for the parking. Parking spaces for recreational equipment or vehicles shall be in addition to those required for parking private vehicles. Storage areas shall be effectively screened from view.

C. Lot and Building Standards.**Table 19.1-112.B. Required Conditions R-TH District-
Lot and Building Standards**

A. Lot Standards	
1. Lot area (square feet)	
a. Internal lot	1520
b. End lot	2320
2. Lot Width (feet)	
a. Internal lot	19
b. End lot	29
3. Lot coverage (maximum %)	40
B. Road Frontage ^[1]	
C. Principal Building Setbacks (feet) ^[2]	
1. Major arterial all yards	50
2. Front yard ^[3]	
a. Non cul-de-sac	25
b. Permanent cul-de-sac	25
3. Side yard end unit	10
4. Corner side yard	25
5. Rear yard	
a. Non through lot	25
b. Through lot	25
D. Principal Building Heights (maximum) ^[4]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other	Lesser of 3 stories of 40 feet
E. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-112.B.

- [1] Lots shall have frontage on a public road or be within 500 feet of a public road via a common right-of-way or easement.
- [2] Setbacks may be impacted by Buffer, Setbacks--Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations
- [3] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [4] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

Sec. 19.1-113. through 19.1-119. Reserved.

History of Amendments

<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94268.1

DIVISION 12. R-MF MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 19.1-120. Purpose and Intent of R-MF District. Reserved.

Sec. 19.1-121. Required Conditions R-MF District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an R-MF District.

A. Project Standards.

Table 19.1-121.A. R-MF District Project Standards

A. Project Size	20 acres ^[1]
B. Density (maximum)	10 units per acre
C. Number of Accesses to Road ^[2]	
1. 50 units or fewer	1
2. 51 to 200 units	2
3. More than 200 units	^[3]
D. Recreational Area ^[4]	10% of project acreage, but not less than 1.5 acres
E. Pavement Width of Access Drives	30 feet
F. Pavement Width of Other Drives	24 feet
G. Parcel Coverage for Project (maximum)	40 % of acreage
H. Private Pavement Setbacks ^[5]	
1. Major Arterials ^[6]	50 feet
2. Other Roads	15 feet

Notes for Table 19.1-121.A.

- [1] Minimum acreage requirements do not apply to the Enon and Chester Special Design Districts.
- [2] Access drives shall be those that connect residential clusters to roads. The number of required access points shall be provided prior to occupancy of the specified number of units.
- [3] At time of plan review, additional access points may be required.
- [4] Recreational facilities shall include active recreation, passive recreation and community buildings, as deemed appropriate during plan review. If facilities are required, a phasing plan for their construction and completion shall be submitted for approval prior to final site plan approval. Construction of facilities shall occur in accordance with the approved phasing plan which may include limitation on the issuance of occupancy permits for multifamily dwelling units.
- [5] Perimeter Landscaping C shall be installed within the setback.
- [6] This setback may be reduced as provided in 19.1-316.A.2.

B. Other Required Project Standards.

1. Roads and Private Pavement. All roads and private pavement shall have concrete curb and gutter.
2. Sidewalks. Sidewalks shall be provided as required through plan review.
3. Architecture. Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses. Multifamily buildings shall possess architectural variety while at the same time have an overall cohesive residential character. Residential character may be achieved through the creative use of design elements such as, but not limited to, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and plantings.

C. Building Standards.

Table 19.1-121.C. R-MF District Project Standards	
A. Individual Building Setbacks (feet) ^[1]	
1. Project property lines ^[2]	
a. Adjacent to R-MF	30
b. Adjacent to other than R-MF	50
2. Road ^{[2][3]}	50
3. Interior private pavement excluding parking spaces ^[4]	25
4. Parking spaces	15
5. Distance between buildings	30 feet plus 5 feet for each story above 3
B. Dwelling Units per Floor (maximum)	10
C. Principal Building Heights (maximum) ^[5]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other Special Design Districts excluding Ettrick	Lesser of 3 stories or 40 feet
3. Other Areas	Lesser of 6 stories or 70 feet
D. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-121.C.

- [1] Setbacks may be impacted by Buffer, Setbacks -- Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] Within these setbacks, Landscaping C shall be installed.
- [3] A multifamily building constructed along a public road shall front the road.
- [4] Setbacks for a building with a height of 48 feet or greater which is adjacent to a fire lane may be reduced to 20 feet.
- [5] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

Sec. 19.1-122. through 19.1-124. Reserved.

History of Amendments

<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94269.1

DIVISION 13. MH-1 MANUFACTURED HOME PARK DISTRICT

Sec. 19.1-125. Purpose and Intent of MH-1 District. Reserved.

Sec. 19.1-126. Limitation on the Granting of MH-1 Zoning.

After February 1, 2002, MH-1 zoning shall no longer be granted. Property zoned MH-1 on or before February 1, 2002 shall continue to be subject to the provisions of this division.

Sec. 19.1-127. Required Conditions MH-1 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in a MH-1 District.

A. Park Standards.

Table 19.1-127. A. Required Conditions MH-1 District-Park Standards

A. Density (maximum)	8 units per acre
B. Number of Accesses to Road	
1. Park 10 acres or less	1
2. Park more than 10 acre	2 ^[1]
C. Setbacks (feet)	
1. Road ^[2]	50
2. Other Property Lines ^[3]	15
D. Park Driveway Width (feet)	16

Notes for Table 19.1-127.A.

[1] The following may be provided in lieu of a second access point:

- a paved boulevard entrance at least 45 feet in width, with minimum lane widths of 18 feet each; or
- a paved 12 foot wide all-weather emergency access, with horizontal clear areas of 3 feet on each side, a 14 foot vertical clear area above and a minimum turning radius of 42 feet. Access shall be gated with one panel that is at least 12 feet wide and 3 feet tall and constructed with painted 2 inch tubular steel. The panel shall be secured with a heavy duty steel chain and a Knox padlock, as approved by the fire department. The emergency access shall be adequately maintained. Parking shall be prohibited within the emergency access.

[2] Setbacks shall be measured between property lines and nearest manufactured home or other structure, excluding gazebos, fountains or other decorative features not associated with individual homes or recreation areas.

[3] Setbacks shall be measured between property lines and nearest manufactured homes or other structures. Setbacks may be reduced to 5 feet if:

- the park is adjacent to property zoned, or designated on the comprehensive plan, for nonresidential use; or
- sufficient visual separation is provided from the adjacent property by either a natural drainage area, landscaping, alternating solid board fence, or other feature.

B. Other Required Park Standards.

1. Park Streets. Park streets shall have unobstructed access to a public road. Parking shall be prohibited in park streets. Park streets shall be constructed of bituminous concrete, or similar material.
2. Recreational Area. Any recreational area shall be adequately maintained and kept free from items that would render the area unsuitable for recreational use.
3. Solid Waste Disposal Areas. Common solid waste disposal areas shall be maintained so as not to adversely impact public health and safety.
4. Recreational Vehicles. Recreational vehicles shall not be used as dwelling units unless such use is an existing non-conforming use or permitted by prior zoning approval.

C. Individual Manufactured Home Standards.

Table 19.1-127. C. Required Conditions MH-1 District- Individual Manufactured Home Standards	
A. Park street or Parking Area Frontage ^[1]	
B. Individual Manufactured Home Spacing (feet) ^[2]	
1. Between manufactured homes ^{[3][4]}	16
2. Between attached structure of a manufactured home such as deck, porch, or carport, and another manufactured home; or between another manufactured home's attached structure such as deck, porch, or carport	6
3. Between manufactured home and detached accessory building of another manufactured home ^[3]	8
4. Edge of internal road or private pavement ^[5]	5
C. Principal Structure Heights (maximum) ^[6]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other Areas	Lesser of 3 stories or 40 feet

Notes for Table 19.1-127. C.

- [1] Manufactured homes shall abut a park street or parking area adjacent to a street.
- [2] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [3] For the purposes of this requirement, a manufactured home includes any attached enclosed building.
- [4] The planning director may reduce the spacing between manufactured homes to 10 feet when the homes are placed end to end and no other practicable alternative is available.
- [5] The required setback shall include the manufactured home hitch. Manufactured homes shall not obstruct any road, private pavement, sidewalk or public utility easement.
- [6] Height limits are subject to Article IV, Division 2.

D. Other Required Individual Manufactured Home Standards.

Skirting. Manufactured homes shall be skirted in accordance with the Uniform Statewide Building Code.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

History of Amendments	
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DIVISION 14. MH-2 MANUFACTURED HOME SUBDIVISION DISTRICT

Sec. 19.1-128. Purpose and Intent of MH-2 District. Reserved.

Sec. 19.1-129. Required Conditions MH-2 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in a MH-2 District.

A. **Subdivision Standards.** Subdivisions in the MH-2 District shall meet the following requirements:

1. **Subdivision Size.** Subdivisions shall be a minimum of 5 acres.
2. **Landscaping.** Except where adjacent to public roads, floodplains or natural drainage areas, a 20 foot wide landscaped area shall be provided along subdivision boundaries.

B. Lot and Individual Manufactured Home Standards.**Table 19.1-129. B. Required Conditions MH-2 District - Lot and Individual Manufactured Home Standards**

A. Lot Standards	
1. Lot area and width	
a. Area (square feet)	7,000
b. Width (feet) ^[1]	50
B. Road Frontage (feet) ^[2]	
1. Family subdivision lot	15
2. Other lots	
a. Permanent cul-de-sac	30
b. Radius of a loop street	30
c. Other roads	50
C. Principal Building Setbacks (feet) ^[3]	
1. Front yard ^[4]	
a. Non cul-de-sac	30
b. Permanent cul-de-sac with radius of more than 40 feet	25
c. Permanent cul-de-sac with radius of 40 feet or less	30
2. Interior side yard	7.5
3. Corner side yard	30
4. Rear yard	
a. Non through lot	30
b. Through lot	30
D. Principal Building Height (maximum) ^[5]	
1. Midlothian Core and Chester Corridor East Special Design Districts	Lesser of 2.5 stories or 30 feet
2. Other Areas	Lesser of 3 stories or 40 feet
E. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-129.B.

- [1] The lot width for a double wide manufactured home shall be increased to 60 feet.
- [2] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless through the preliminary plat review process it is determined that extension of the stub street is not needed to serve future development.
- [3] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [4] Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- [5] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

History of Amendments	
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DIVISION 15. MH-3 MANUFACTURED HOME PARK DISTRICT

Sec. 19.1-130. Purpose and Intent of MH-3 District. Reserved.

Sec. 19.1-131. Required Conditions MH-3 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in a MH-3 District.

A. Park Standards.

**Table 19.1-131. A. Required Conditions
MH-3 District-Park Standards**

A. Park Size	10 acres
B. Density (maximum)	6 units per acre
C. Number of Accesses to Public Road	2
D. Setbacks (feet)	
1. Public road ^[1]	50
2. Other property lines ^[2]	15
E. Park Driveway Width (feet)	24
F. Recreation Area	10 % of park acreage ^[3]

Notes for Table 19.-131. A.

- [1] Setbacks shall be measured between property lines and nearest manufactured homes or other structures. Perimeter Landscaping C shall be installed within setbacks.
- [2] Setbacks shall be measured between property lines and nearest manufactured homes or other structures. Setbacks shall contain a screen, fence or landscaping which is 50 percent or more solid when viewed horizontally between 2 and 6 feet above average ground level, unless topography or other natural features would render such screening ineffective.
- [3] 50 percent of required area shall be outside of floodplains and have slope of not more than 5%.

B. Other Required Park Standards.

1. Recreational Area. Sufficient recreation equipment such as swings, seesaws, picnic tables, benches, sandboxes, as deemed appropriate at time of plan review, shall be installed within required recreation area. Recreational equipment shall be designed, constructed and maintained to be safe with no protruding bolts or sharp edges that may result in injury. All required safety fall zones and surfacing standards shall be met.
2. Park Driveways. Park driveways shall have unobstructed access to a road. Parking shall be prohibited in park driveways. Park driveways shall be constructed of bituminous concrete, concrete or similar material.
3. Underground Utilities. All telephone, electrical distribution, water, fuel and other utility lines shall be placed underground. All sanitary wastewater connections shall be located beneath the manufactured home which it serves.

4. Solid Waste Disposal Areas. Solid waste disposal areas shall not create a health or fire hazard. All solid waste shall be stored in fly proof, watertight, rodent proof containers. A sufficient number of containers shall be provided. Park management shall be responsible for the collection and disposal of waste.
5. Streetlights. Streetlights shall be installed at the intersection of park driveways and in locations where it is determined that such lighting is necessary to ensure safety and security for persons, property and traffic. When possible, the location of streetlights shall comply with the county's streetlight policy. Installation shall be in accordance with environmental engineering department's standards. The exact number and location of streetlights shall be approved at the time of plan review.

C. Individual Manufactured Home Standards.

Table 19.1-131.C. Required Conditions MH-3 District - Individual Manufactured Home Standards	
A. Pad Standards ^{[1][2]}	
1. Lot area and width	
a. Area (square feet)	4000
b. Width (feet)	58
B. Street or Parking Area Frontage ^[3]	
C. Individual Manufactured Home Spacing (feet) ^[1]	
1. Between manufactured homes	30
2. Roads, drives and parking areas	20
D. Principal Building Setbacks for each pad site (feet)	
1. Front yard	20
2. Interior side yard	15
3. Corner side yard	20
4. Rear yard	15
E. Principal Building Heights (maximum) ^[4]	
1. Midlothian Core and Chester Corridor East Design Districts	Lesser of 2.5 stories or 30 feet
2. Other Areas	Lesser of 3 stories or 40 feet
F. Accessory Building Requirements	Subject to Section 19.1-304

Notes for Table 19.1-131. C.

- [1] Setbacks may be impacted by Buffer, Setbacks -- Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] Manufactured homes shall be placed in designated pad sites and shall not obstruct any road, private pavement, sidewalk or public utility easement.
- [3] Manufactured homes shall abut a park driveway or parking area which is adjacent to the driveway.
- [4] Height limits are subject to Article IV, Division 2.

D. Other Required Individual Manufactured Home Standards.

Skirting. Manufactured homes shall be skirted in accordance with the Uniform Statewide Building Code.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

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DIVISION 16. A AGRICULTURAL DISTRICT

Sec. 19.1-132. Purpose and Intent of A District. Reserved.

Sec. 19.1-133. Required Conditions A District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an A District.

A. Lot and Structure Standards.

Table 19.1-133.A.1. Required Conditions A District for lots recorded on or after 2/28/2001		
A. Lot Standards		
1. Excluding family subdivisions, lot area and width for dwelling purposes or manufactured home		
a. Area (acres)		5
b. Width (feet) ^[1]		150
2. Family subdivision lots, lot area and width for dwelling purposes or manufactured home		
a. Area (acres)		1
b. Width (feet)		150
3. Lots other than for residential or manufactured home use, lot area and width		
a. Area (acres)		1
b. Width (feet)		150
4. Lot coverage (maximum %)		20
B. Road Frontage for lots intended for dwelling purposes or manufactured home (feet)^[2]		
1. Family subdivision lots		15
2. Other lots		250
C. Principal Structure Setbacks for lots having road frontage (feet)^[3]		
1. Front yard		150 ^[4]
2. Interior side yard		40
3. Corner side yard		
a. Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[5]		40
b. Other lot		75
4. Rear Yard		
a. Non through lot		50
b. Through lot		150
D. Principal Structure Setbacks for which zoning approval has been granted to allow use for dwelling purposes or a manufactured home without public road frontage (feet)^[3]		
1. Front yard		40 ^[4]
2. Interior side yard		15
3. Rear yard		25
E. Principal Structure Heights (maximum)^[6]		
1. Structure Excluding Farm Structure		
a. Midlothian Core and Chester Corridor East Special Design Districts		Lesser of 2.5 stories or 30 feet
b. Other Special Design Districts		Lesser of 3 stories or 40 feet
c. Other Areas		Lesser of 3 stories or 40 feet
2. Farm Structure		
a. Midlothian Core and Chester Corridor East Special Design Districts		Lesser of 2.5 stories or 30 feet
b. Other Special Design Districts excluding Ettrick		Lesser of 3 stories or 40 feet
c. Other Areas		50 feet
F. Accessory Structure Requirements		Subject to Section 19.1-304

Notes for Table 19.1-133.A.1.

- [1] The lot width shall be increased to the minimum required road frontage width for a depth necessary to create a 5 acre lot or in an arrangement approved by the director of planning based upon limitations imposed by the lot shape or environmental features.
- [2] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless a determination is made that extension of the stub street is not needed to serve future development.
- [3] Setbacks may be impacted by Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [4] Minimum setbacks shall be increased where necessary to obtain the required width at the front building line.
- [5] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [6] Height limits are subject to Article IV, Division 2.

Table 19.1-133.A.2. Required Conditions A District for lots recorded on or after 5/26/1988 and prior to 2/28/2001

A. Lot Standards		
1. Lot area and width		
a. Area (acres)		1
b. Width (feet)		150
2. Lot coverage (maximum %)		20
B. Road Frontage for lots intended for dwelling purposes or manufactured home (feet)^[1]		
1. Family subdivision lots		15
2. Other lots		50
C. Principal Structure Setbacks for lots having road frontage (feet)^[2]		
1. Front yard		150 ^[3] ^[4]
2. Interior side yard		40
3. Corner side yard		
a. Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[5]		40
b. Other lot		75
4. Rear Yard		
a. Non through lot		50
b. Through lot		150 ^[3]
D. Principal Structure Setbacks for which zoning approval has been granted to allow use for dwelling purposes or a manufactured home without public road frontage (feet)^[2]		
1. Front yard		40 ^[4]
2. Interior side yard		15
3. Rear yard		25
E. Principal Structure Heights (maximum)^[6]		
1. Structure Excluding Farm Structure		
a. Midlothian Core and Chester Corridor East Special Design Districts		Lesser of 2.5 stories or 30 feet
b. Other Special Design Districts		Lesser of 3 stories or 40 feet
c. Other Areas		Lesser of 3 stories or 40 feet
2. Farm Structure		
a. Midlothian Core and Chester Corridor East Special Design Districts		Lesser of 2.5 stories or 30 feet
b. Other Special Design Districts excluding Ettrick		Lesser of 3 stories or 40 feet
c. Other Areas		50 feet
F. Accessory Structure Requirements		Subject to Section 19.1-304

Notes for Table 19.1-133.A.2.

- [1] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless a determination is made that extension of the stub street is not needed to serve future development.
- [2] Setbacks may be impacted by Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [3] For a lot created prior to 6/23/1993 which has a principal building constructed prior to 6/23/1993 with a setback less than 150 feet, the building may be expanded, if the addition is set back at least the same distance as the existing building, but not less than 40 feet.
- [4] Minimum setbacks shall be increased, where necessary, to obtain the required width at the front building line.
- [5] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [6] Height limits are subject to Article IV, Division 2.

Table 19.1-133.A.3. Required Conditions A District for lots recorded prior to 5/26/1988		
A. Lot Standards		
1. Lot area and width		
a. Area (square feet)		15,000 ^[1]
b. Width (feet)		100
2. Lot coverage (maximum %)		30
B. Road Frontage for lots intended for dwelling purposes or manufactured home (feet) ^{[2][3]}		
1. Family subdivision lots		15
2. Other lots		50
C. Principal Structure Setbacks for lots having road frontage (feet) ^[4]		
1. Front yard		100 ^{[5][6]}
2. Interior side yard		
a. Lot recorded on, or after, 12/11/1945		15
b. Lot recorded prior to 12/11/1945		10
3. Corner side yard		
a. Lot recorded on or after 4/1/1974 that is a Through lot, lot back to back with another corner lot, or lot backing to open space or common area ^[7]		20
b. Lot recorded on or after 4/1/1974, other lot		35
c. Lot recorded prior to 4/1/1974		20
4. Rear Yard		
a. Non through lot		25
b. Through lot		100 ^[5]
D. Principal Structure Setbacks for which zoning approval has been granted to allow use for dwelling purposes or a manufactured home without public road frontage (feet) ^[4]		
1. Front yard		40 ^[6]
2. Interior side yard		15
3. Rear yard		25
E. Principal Structure Heights (maximum) ^[8]		
1. Structure Excluding Farm Structure		
a. Midlothian Core and Chester Corridor East Special Design Districts		Lesser of 2.5 stories or 30 feet
b. Other Special Design Districts		Lesser of 3 stories or 40 feet
c. Other Areas		Lesser of 3 stories or 40 feet
2. Farm Structure		
a. Midlothian Core and Chester Corridor East Special Design Districts		Lesser of 2.5 stories or 30 feet
b. Other Special Design Districts excluding Ettrick		Lesser of 3 stories or 40 feet
c. Other Areas		50 feet
F. Accessory Structure Requirements		Subject to Section 19.1-304

Notes for Table 19.1-133.A.3.

- [1] Lot area requirements may be impacted by the availability of public utilities. Refer to Chapter 12.
- [2] Frontage on the terminus of a stub street does not meet the requirements for road frontage unless a determination is made that extension of the stub street is not needed to serve future development.
- [3] Lots recorded without road frontage prior to 4/28/1976 are not subject to road frontage requirements. Such lots may be used for dwelling purposes or manufactured home purposes with zoning approval.
- [4] Setbacks may be impacted by Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [5] For a lot created prior to 5/26/1988 which has a principal building constructed prior to 5/26/1988 with a setback less than 100 feet, the building may be expanded, if the addition is set back at least the same distance as the existing building, but not less than 40 feet.
- [6] Minimum setbacks shall be increased where necessary to obtain the required width at the front building line.
- [7] Open space or common area shall be a minimum of 15 feet wide for the entire length of the rear property line.
- [8] Height limits are subject to Article IV, Division 2.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

(Ordinance of 10-26-16)

Sec. 19.1-134. through 19.1-139. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94274.1
10/26/2016	2	Bikeways	96806.3

DIVISION 17. O-1 NEIGHBORHOOD OFFICE DISTRICT

Sec. 19.1-140. Purpose and Intent of O-1 District.

- A. The purpose and intent of a Neighborhood Office (O-1) District is to permit limited professional and administrative offices and similar uses to be developed as a transition between commercial/industrial uses and residential neighborhoods. Developments within this district should not generate excessive traffic volumes or truck traffic nor create undue noise or glare beyond lot lines and should be compatible with adjacent residential developments. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.
- B. An O-1 District should generally be located along arterial or collector roads, but not at arterial road intersections. In addition, this district may also be located between commercial/industrial districts and existing or proposed residential developments.

Sec. 19.1-141. Required Conditions O-1 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an O-1 District.

- A. **Production of Goods.** Goods shall not be produced for retail sale on the premises.
- B. **Uses to be Within Enclosed Building.** All uses shall be conducted entirely within an enclosed building, except for accessory automobile parking.
- C. **Loading Areas.** Loading docks and drive-in loading doors shall be prohibited.
- D. **Hours of Operation.** With the exception of group care facilities, churches, convalescent homes, rest homes, and nursing homes, uses shall not be open to the public between 9:00 p.m. and 6:00 a.m.
- E. **Project Density.** Individual projects shall not exceed 5,000 square feet of gross floor area per acre prior to any right-of-way dedication.
- F. **Building Size.** Individual buildings shall not exceed:
 - 5,000 square feet of gross floor area if located within 200 feet of an existing residentially zoned parcel or area currently zoned agricultural and shown on the comprehensive plan for residential use; or
 - 8,000 square feet of gross floor area for all other individual buildings.
- G. **Architectural Style.** All structures shall have an architectural style compatible with surrounding residential neighborhoods. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

Sec. 19.1-142. through 19.1-144. Reserved.

History of Amendments	
<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94275.1

DIVISION 18. O-2 CORPORATE OFFICE DISTRICT

Sec. 19.1-145. Purpose and Intent of O-2 District.

- A. The purpose and intent of a Corporate Office (O-2) District is to encourage the integration of professional and administrative offices with supporting uses. Developments within this district should not create undue noise or glare beyond lot lines and should be compatible with adjacent residential developments. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.
- B. An O-2 District should generally be located along arterial or collector roads. In addition, this district may also be located between commercial or industrial districts and existing or proposed residential developments. If an O-2 District is used as a transition adjacent to existing or planned residential neighborhoods, the site should be designed with office uses closer to the neighborhood and non-office uses away from the neighborhood.

Sec. 19.1-146. Required Conditions O-2 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an O-2 District.

- A. **Production of Goods.** Goods which are permitted to be retailed in the district may be produced for sale on the same site from which they are sold.
- B. **Uses to be Within Enclosed Building.** All uses shall be conducted entirely within an enclosed building, except for accessory automobile parking and loading/unloading facilities.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

History of Amendments	
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DIVISION 19. C-1 CONVENIENCE BUSINESS DISTRICT**Sec. 19.1-147. Purpose and Intent of C-1 District.**

- A. The purpose and intent of a C-1 District is to permit limited retail and personal service operations such as the sale of food, hardware or gasoline; drug stores; banks; offices; and personal service operations near residential neighborhoods and in rural locations. The uses permitted should be those uses which provide goods and services to nearby residential communities and should not include uses which would routinely attract customers from a wider market area. Design controls should apply to projects within this district to provide an effective land use transition between the residential community and this district.
- B. A C-1 District should contain no more than 3 acres. C-1 zoning should not be granted within one mile of any other such district, unless such C-1 zoning is for the purpose of obtaining the 3 contiguous acres maximum and the development of the district provides a unified plan for architecture, access and signage.
- C. A C-1 District should generally be located at the intersection of collector roads, between residential neighborhoods and higher intensity uses and/or arterials, or at the intersections of arterials within planned rural portions of the county. All such locations may not be suitable for a C-1 District; however, a C-1 District may be suitable if the location is so designated on the comprehensive plan and if the living environment and integrity of the nearby residential area can be protected. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

Sec. 19.1-148. Required Conditions C-1 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in a C-1 District:

- A. **Production of Goods.** Goods which are permitted to be retailed in the district may be produced for sale on the same site from which they are sold provided no more than five persons are engaged in the production.
- B. **Uses to be Within Enclosed Building.** All uses, including storage, shall be conducted entirely within an enclosed building, except for accessory automobile parking, and loading or unloading facilities.
- C. **Hours of Operation.** Uses shall not be open to the public between 9:00 p.m. and 6:00 a.m.
- D. **Project Density.** Individual projects shall not exceed 5,000 square feet of gross floor area per acre prior to any right-of-way dedication.

E. **Building Size.** Individual buildings shall not exceed:

- 5,000 square feet of gross floor area if located within 200 feet of an existing residentially zoned parcel or area currently zoned agricultural and shown on the comprehensive plan for residential use; or
- 8,000 square feet of gross floor area for all other individual buildings.

F. **Architectural Style.** All structures shall have an architectural style compatible with surrounding residential neighborhoods. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

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DIVISION 20. C-2 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 19.1-149. Purpose and Intent of C-2 District.

- A. The purpose and intent of a C-2 District is to permit neighborhood-oriented retail services to include small shopping centers or developments which serve neighborhood-wide trade areas. Design controls shall apply to this district to provide an effective land use transition between the residential community and higher intensity uses. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area. Access to and the number of conflict points along arterials should be limited. Integrated vehicular and pedestrian circulation should be provided within each project and between adjacent developments.
- B. A C-2 District should generally be located at the intersection of arterials or at the intersection of arterials with collector roads.

Sec. 19.1-150. Required Conditions C-2 District.

In addition to the other requirements of this chapter, the following conditions shall be met in a C-2 District:

Production of Goods. Goods which are permitted to be retailed in the district may be produced for sale on the same site from which they are sold provided no more than 10 persons are engaged in the production.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

Sec. 19.1-151. through 19.1-154. Reserved.

History of Amendments	
Date	Document #
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DIVISION 21. C-3 COMMUNITY BUSINESS DISTRICT

Sec. 19.1-155. Purpose and Intent of C-3 District.

- A. The purpose and intent of a C-3 District is to permit community-scale commercial development including shopping centers which serve community-wide trade areas and promote public convenience and accessibility. Toward this end, mixed use projects containing commercial, office, and residential townhouse/residential multifamily uses should be encouraged. Design controls should apply to this district, requiring integrated design standards within individual projects, access to and the number of conflict points along arterials should be limited, and integrated vehicular/pedestrian access should be provided within each project and between adjacent developments. Sites should be designed to insure maximum compatibility with, and minimal impact on, existing and future residential development in the area.
- B. A C-3 District should generally be located at intersections of arterials.

Sec. 19.1-156. Required Conditions C-3 District.

In addition to the other requirements of this chapter, the following conditions shall be met in a C-3 District:

Production of Goods. Goods which are permitted to be retailed in the district may be produced for sale on the same site from which they are sold may be produced for retail sale on the premises provided no more than 15 persons are engaged in the production.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

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DIVISION 22. C-4 REGIONAL BUSINESS DISTRICT

Sec. 19.1-157. Purpose and Intent of C-4 District.

- A. The purpose and intent of a Regional Business (C-4) District is to encourage integrated developments containing a mixture of regional shopping centers, employment centers, major office/light industrial parks and/or high density residential developments. Urban design standards should apply within individual projects, and access to, and the number of conflict points along, arterials should be limited. An integrated system of vehicular/pedestrian circulation should be provided within individual projects and extended to adjacent developments. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.
- B. A C-4 District should generally be located on large sites adjacent to the county's limited access roads at intersections/interchanges with arterials. Direct access onto arterials should be required and direct access onto limited access roads should be encouraged. Generally, a C-4 District in a given location within the county should contain a minimum of 35 acres and a minimum 500,000 square feet of commercial, office and/or industrial uses.

Sec. 19.1-158. Required Conditions C-4 District.

In addition to the other requirements of this chapter, the following conditions shall be met in a C-4 District:

- A. **Production of Goods.** Goods which are permitted to be retailed in the district may be produced for sale on the same site from which they are sold provided no more than 15 persons are engaged in the production.
- B. **Project Density.** Subject to the provisions of Article IV, Division 3, minimum project densities shall be as follows:
 - Retail Projects: 8,000 square feet of gross floor area per gross acre; and/or
 - Office Projects: 15,000 square feet of gross floor area per gross acre.

These densities may be provided in phases subject to approval of a phasing plan by the director of planning and the director of transportation. The phasing plan shall include appropriate assurances that minimum densities will be met.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

Sec. 19.1-159. through 19.1-161. Reserved.

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DIVISION 23. C-5 GENERAL BUSINESS DISTRICT

Sec. 19.1-162. Purpose and Intent of C-5 District.

- A. The purpose and intent of a General Business (C-5) District is to provide areas primarily for motor vehicle oriented uses. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.
- B. A C-5 District should generally be located along arterials or near industrial areas.

Sec. 19.1-163. Required Conditions C-5 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in a C-5 District.

Production of Goods. Goods which are permitted to be retailed in the district may be produced for sale on the same site from which they are sold, provided no more than 15 persons are engaged in the production.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

Sec. 19.1-164. through 19.1-169. Reserved.

History of Amendments

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DIVISION 24. I-1 LIGHT INDUSTRIAL DISTRICT

Sec. 19.1-170. Purpose and Intent of I-1 District.

- A. The purpose and intent of a Light Industrial District (I-1) is to encourage the grouping of administrative and research offices, laboratories and light manufacturing uses. Limited retail and service uses should be permitted when they are part of an integrated industrial development and are accessory to other uses within the project. Light manufacturing uses shall be those dependent upon raw materials first processed elsewhere.
- B. An I-1 District may be located near residential districts to provide a transition between the residential uses and more intense commercial/industrial projects. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area. Access should be provided to arterials.

Sec. 19.1-171. Required Conditions I-1 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an I-1 District.

- A. **Production of Goods.** The uses permitted in this district shall be those uses which are dependent upon raw materials first processed elsewhere.
- B. **Uses to be Within Enclosed Building.** All uses, including storage, shall be conducted entirely within an enclosed building, except for accessory parking, loading and unloading facilities, and automobile and motor vehicle storage lots as allowed per Sec. 19.1-53.
- B. **Loading Areas.** Loading areas shall be oriented away from R, R-TH or R-MF property or A property shown on the comprehensive plan for residential use existing at the time of plan approval.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

Sec. 19.1-172. through 19.1-174. Reserved.

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DIVISION 25. I-2 GENERAL INDUSTRIAL DISTRICT

Sec. 19.1-175. Purpose and Intent of I-2 District.

- A. The purpose and intent of a General Industrial (I-2) District is to provide adequate areas in appropriate locations for manufacturing and other related activities.
- B. An I-2 District should generally be located in areas with access to arterials or collector roads and, where practical, in locations where rail and water access is available. Uses within this district should generally be buffered from existing or proposed residential neighborhoods by less intense uses. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

Sec. 19.1-176. Required Conditions I-2 District.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in an I-2 District.

Production of Goods. The uses permitted in this district are those uses which are dependent upon raw materials first processed elsewhere.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

Sec. 19.1-177. through 19.1-179. Reserved.

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DIVISION 26. I-3 HEAVY INDUSTRIAL DISTRICT

Sec. 19.1-180. Purpose and Intent of I-3 District.

- A. The purpose and intent of a Heavy Industrial (I-3) District is to provide locations for intense manufacturing uses which process raw materials. This district should not be located adjacent to existing or proposed residential, office or commercial areas.
- B. An I-3 District should generally be located in areas with access to arterial or collector roads and, where practical, in locations where rail and water access is available. This district should generally be buffered from residential, office or commercial districts by less intense uses. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

Editor's Note: For uses permitted by right, with restrictions, as accessory, by conditional use, by special exception, or by manufactured home permit refer to Article III, Division 2, Uses.

Sec. 19.1-181. Required Conditions I-3 District. Reserved.

Sec. 19.1-182. through 19.1-199. Reserved.

History of Amendments

<u>Date</u>	<u>Document #</u>
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ARTICLE IV. DEVELOPMENT STANDARDS

DIVISION 1. GENERAL PROVISIONS COUNTYWIDE

Sec. 19.1-200. Conformity with Bulk Regulations.

- A. Maintenance of yards, open space and minimum lot area legally required for a building or use shall be a continuing obligation of the owner of the building or use, or the owner of the property on which the building or use is located for as long as the building or use exists. Furthermore, legally required yards, open space or minimum lot area allocated to a building or use shall not, by virtue of change of ownership or other reason, be used to satisfy yard, open space or minimum lot area requirements for any other building or use.
- B. Minimum yards, parking spaces and open spaces, including lot area required for a building or use existing on June 24, 2015, or for a building or use thereafter erected shall not be encroached upon or considered as yard, parking space or open space required for any other building or use. A required yard or lot area shall not be reduced below the district requirement, except as permitted in Sections 19.1-12., 19.1-14. and 19.1-15.B.1.

Sec. 19.1-201. Division of Zoning Lots.

An improved zoning lot shall not be divided into 2 or more zoning lots, nor shall any portion of any improved zoning lot be sold, unless all improved zoning lots resulting from each such division or sale conforms with the requirements of this chapter and Chapter 17.

Sec. 19.1-202. Variations in Requirements Adjacent to Vacant Agricultural Property.

The development requirements for a zoning lot adjacent to vacant A property designated for office, commercial or industrial use by the comprehensive plan may be reduced in accordance with permitted reductions as if adjacent to O, C or I property.

Sec. 19.1-203. Creation or Extension of a Road.

In an Agricultural (A) District, the creation or the extension of a road shall be prohibited unless it is for the sole purpose of providing access to non-residential development, as restricted by Section 19.1-53.

Sec. 19.1.204. Utility Lines--Underground.

Except for existing or proposed transmission lines which traverse a development or project, utility lines such as electric, telephone, cable access television or other similar lines shall be installed underground.

Sec. 19.1-205. Exterior Lighting.

- A. **Illumination.** With the exception of single family residential uses, the direct or reflected illumination of exterior lights shall not exceed 0.5 foot candle above background, measured at the lot line of an adjacent A, R, R-TH, MH or R-MF property.
- B. **Light Source Shielding.** Except for Special Design Districts where light standards may be required to be compatible with unique architectural styles, or within developments having ornamental pedestrian style lighting, lighting standards shall be of a directional type capable of shielding the light source from direct view from an adjacent A, R, R-TH, MH or R-MF property, or road.

Sec. 19.1-206. Solid Waste Storage Areas.

A. **Screening.**

1. **Exclusions.** The screening requirements of this section shall not apply to:

- garbage can and recycling container areas which serve single- or two-family dwellings;
- I-2 and I-3 property adjacent to I-2 and I-3 property; and
- roads in I-2 and I-3 Districts which do not accommodate, and are not intended to accommodate through traffic.

2. **Requirements.** Solid waste storage areas (garbage cans, trash compactors, recycling containers, etc.) shall be screened from view of adjacent property and roads as follows:

- For property within 100 feet of, or adjacent to, an A, R, R-TH, MH or R-MF property, or for property within Employment Center Districts, by a masonry or concrete wall constructed of comparable materials to, and designed to be compatible with, the building that the solid waste storage area serves; or
- For property within other areas, by a solid wall, fence, dense evergreen planting or architectural feature.

- B. **Servicing Hours Limitations.** Solid waste storage areas (excluding garbage can and recycling container areas serving single- or two-family dwellings) located within 1000 feet of property zoned A, R, R-TH, MH or R-MF shall not be serviced between the hours of 9 PM and 6 AM. A sign, not to exceed 6 square feet in area, designating the hours during which such solid waste storage areas may be serviced shall be prominently posted.

- C. **Setbacks.** Solid waste storage areas shall observe the parking setbacks of the district in which located.

Sec. 19.1-207. Location of Required Yards and Open Space.

Except in the case of planned developments, required yards and open spaces allocated to a building, group of buildings, or use shall be located on the same zoning lot as the building, group of buildings, or use.

Sec. 19.1-208. Bikeways.

For a development that requires site plan or lot subdivision plat approval, bikeways shall be provided in accordance with the Bikeways and Trails Plan of the comprehensive plan and constructed generally as outlined in the Bikeways and Trails Plan Facility Guidance Section of the Bikeways and Trails Chapter of the comprehensive plan unless the director of planning determines that construction of the facility is not feasible due to:

- topography;
- environmental constraints;
- alternative locations or designs accomplish intent of the comprehensive plan; or
- adverse impact on subject, or adjacent, development.
- cost to maintain bikeway.

The exact facility type, width, design and location shall be reviewed and approved by the planning department at the time of plan review. Bikeways shall either be located in right-of-way, on county-owned property or within a county easement. Unless otherwise approved by the transportation department, right-of-way to accommodate bikeways shall be exclusive of the right-of-way required by Sec. 19.1-209.B. If within a county easement on R, R-TH or MH-2 property, such easement shall be located in common area, unless otherwise approved by the planning department. Prior to the recordation of any subdivision lot which abuts a right-of-way, easement, buffer or common area in which a bikeway is to be located, such bikeway shall be substantially completed, as determined by the planning department.

(Ordinance of 10-26-16)

Sec. 19.1-209. Setbacks--Generally.

- A. **Measurement.** Setbacks shall be measured horizontally. Measurements shall be rounded to the nearest tenth of a foot.
- B. **Measurement from Roads.** Except as provided in 2. below, setbacks from roads shall be measured from the ultimate right-of-way unless the existing right-of-way is wider. The ultimate right-of-way shall be the greater of that shown on the thoroughfare plan of the comprehensive plan, set of construction plans approved by the director of transportation or as may be determined by the director of transportation. Unless otherwise determined by the director of transportation, it

shall be assumed that the road will be widened equally on both sides of the established centerline to the full designated right-of-way width.

In R-MF, MH-1, MH-3, O, C and I Districts, and on property occupied by non-residential uses in any district, when the ultimate right-of-way is expanded solely to accommodate a bikeway required by Sec. 19.1-208., setbacks shall be measured without including the expanded right-of-way, except that the setback shall not be less than 1 foot from the expanded right-of-way. Landscaping or other design measures shall be proportionately reduced by the area occupied by the bikeway.

1. The ultimate right-of-way width for roads, shall be as follows:

- Special Access Streets--50 feet;
- Roads in a Subdivision--As shown on recorded plat unless otherwise required by the director of transportation;
- All other roads, the greater of :
 - width shown on the comprehensive plan;
 - width shown on an officially adopted detailed highway plan;
 - 50 feet in an R-TH, R-MF, R, MH-2, MH-3 or A District; or
 - 60 feet in other districts.

2. Along the following roads, if 200 feet of right-of-way has been dedicated to the county, required setbacks shall be measured as though only a 160 foot right-of-way exists:

- Route 360, from Route 288 to the Amelia County Line;
- Route 10, from Irongate Drive to Courthouse Road; and
- Route 10, from Krause Road to Buckingham Street.

C. **Special Access Road Setbacks.** Except for R-TH Districts, setbacks from a special access road shall not be required unless the director of transportation determines it is necessary to achieve safe ingress and egress to the property adjoining the road. Where a special access road is approved within an easement in O, C and I Districts, such road shall not be located within required front or corner side yard setbacks.

In R-TH Districts, a special access road shall be permitted if approved by the transportation and planning departments, and setbacks may be reduced if sidewalks are provided along both sides of such road and setbacks are sufficient to accommodate required street trees and sidewalks.

D. **Setbacks for Uses without Buildings.** The required setback for a permitted use on a lot without buildings shall be that required for a principal building, unless otherwise provided in this chapter.

- E. **Grave Setbacks.** In cemeteries or graveyards, graves shall meet the principal building setbacks for the district in which located; however, where existing graves are closer to the road, new graves may be set back equal to that of the existing graves, but no closer than 15 feet to the road.
- F. **Lot Subdivision Principal Building Setbacks from Buffers and Bikeways.** Principal building setbacks from a buffer required by Sec. 19.1-263.B. which encroaches into or abuts a lot shall be the lesser of the required yard setback or 25 feet. On a lot adjacent to property occupied by a bikeway required by Sec. 19.1-208, a principal building shall be set back the lesser of the required yard setback or 25 feet.
- G. **Residential Subdivision Projects--Limited Access Roads Setbacks.** For subdivisions recorded on or after February 28, 2001, a 200 foot natural vegetation area, exclusive of required yards, shall be maintained adjacent to a limited access road. Provided, however, at time of plan review, the director of transportation may reduce this distance requirement based upon an acceptable noise study. Natural vegetation within the area shall be retained, unless it is determined by the director of transportation at time of plan review that limited removal is necessary to accommodate installation of noise attenuation measures. The limits and requirements of this setback shall be shown on the final plat.
- H. **Residential Subdivision Projects--Temporary Cul-de-sac Easements Setbacks.** The required setback for a principal structure shall be 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.
- I. **Residential Subdivision Projects--Petroleum Pipeline Easements Setbacks.** Within a lot subdivision recorded on or after July 7, 1988, all structures shall be set back the greater of 20 feet from any petroleum product transmission pipeline easement or 35 feet from the pipeline.
- J. **Office, Commercial or Industrial Projects--Project Boundaries Setbacks.** Setbacks shall be measured from the project boundaries and roads regardless of whether individual lots are created.

(Ordinance of 10-26-16)

Sec. 19.1-210. Permitted Yard Encroachments for Principal Buildings.

Parts of principal buildings may project into required minimum yards as shown in Table 19.1-210.A.:

Table 19.1-210.A. Permitted Yard Encroachment for Principal Buildings				
Type of Encroachment	Yard and Permitted Encroachment (feet)			
	Front	Interior Side	Rear	Corner Side
Cornice, eave, sill, leader, belt course, chimney, canopy or similar ornamental feature	3 ^[1]	3 ^[1]	3	3 ^[1]
Uncovered stairs or fire escape	4.5 ^[1]	4.5 ^[1]	4.5	4.5 ^[1]
Terrace, step, or landings not higher than the entrance floor of the building	10 ^[1]	10 ^[1]	10	10 ^[1]
Bay window or balcony occupying not more than one-third of the wall length	3 ^[1]	3 ^[1]	3	3 ^[1]
Outside storm enclosure not more than 6 feet in width	4 ^[1]	4 ^[1]	4	4 ^[1]
Attachments open on 3 sides such as porch, carport, drive-in window or gasoline canopy ^[2]	10	½ required side yard for principal structure ^[3]	10	0

Notes for Table 19.1-210.A.

- [1] Encroachment shall be no closer than 5 feet to an interior side lot line or 10 feet to a front or corner side lot line.
- [2] Side of structure is considered open if a maximum of 2 feet of the height of the side is constructed of brick, siding, lattice, louvers or other building materials. Any portion of the structure which complies with the required minimum principal structure yard setback is not required to be open.
- [3] Encroachment shall be no closer than 5 feet to interior side lot line.

(Ordinance of 10-26-16)

Sec. 19.1-211. Manufactured Home Parks in Districts Other than MH Districts.

Manufactured home parks located outside of MH Districts shall be subject to the standards of the MH-1 District.

(Ordinance of 10-26-16)

Sec. 19.1-212. Visual Aesthetics of Stormwater Management Facility or Best Management Practice Basin.

Any stormwater management facility or best management practices basin visible to the public or located in an Employment Center District shall be landscaped or otherwise improved so that the facilities are visually enhanced. Improvements shall include landscaping of sloped edges above full water elevation. In addition, fountains (wet ponds), curvilinear pond forms, varied contouring of land forms (dry ponds), or other enhancement methods may be required at the time of plan review. Where fencing is provided, it shall be of an ornamental design. These

requirements are in addition to, and shall not interfere with, other requirements for basin design, access or maintenance.

(Ordinance of 10-26-16)

Sec. 19.1-213. through 19.1-219. Reserved.

(Ordinance of 10-26-16)

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94285.1
10/26/2016	2	Bikeways	96806.3

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DIVISION 2. Height Limitations--Generally Countywide**Sec. 19.1-220. Definition of Structure for this Division.**

For the purpose of this division, "structure" shall mean any object, including a mobile object, constructed or created by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, overhead transmission lines, flagpoles, ship masts, signs, billboards, church spires, belfries, cupolas, domes, heat transfer units, monuments, tanks, chimneys, flues, antennae, grain elevators, and derricks.

Sec. 19.1-221. Prevent Interference with County's Emergency Communications System.

- A. The permitted heights of all buildings and structures shall be limited to prevent interference with the county's emergency communications system.
- B. Prior to erection or alteration of a structure 80 feet or taller above ground level, the proposal shall be submitted to the county's public safety review team, consisting of the police chief or designee, the fire chief or designee, and the communications/electronics supervisor or designee. The team shall review the proposal within 10 working days after submission to determine whether a detrimental impact to the county's radio communications system microwave paths is anticipated.

If the team determines that there will not be a detrimental impact, it shall recommend release of the building permit, site plan, land disturbance permit or other permit.

If the team anticipates a detrimental impact from the proposal, the developer, owner or agent shall perform an engineering study, acceptable to the public safety review team, to determine whether there will be any detrimental impact and, if so, the nature and extent of the impact. Upon receipt, the public safety review team shall, as soon as practicable, review the study and any other available information. Following this review, if the team determines that a detrimental impact would exist, the developer, owner or agent shall, in a manner approved by the public safety review team, redesign and/or relocate the structure so as to eliminate the anticipated detrimental impact, and be responsible for all design, engineering, equipment and modification expenses necessary to eliminate the anticipated detrimental impact.

In addition, the team may impose conditions on the proposal deemed necessary to prevent interference with the microwave paths, including a guarantee in a form satisfactory to the county attorney and in an amount sufficient to correct any potential detrimental impact.

- C. The developer, owner or agent shall ensure that the construction or operation of the structure does not have a detrimental impact on the county's radio communications system in a manner approved by the team.
- D. Any person aggrieved by the team's decisions under this section may appeal in accordance with Section 19.1-30.C.

Sec. 19.1-222. Height Limitations in Chesterfield County Airport Overlay Zones.

A. To carry out the provisions of this section, the following zones are established and include all of the area and airspace of the county lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces of the Chesterfield County Airport. The source and the specific geometric design standards for these zones are to be found in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. These zones are established as overlay zones, superimposed over the base zoning districts and do not affect the permitted uses and activities in the base zones except as outlined in this section. These zones are:

- **Airport zone:** horizontal zone that is centered about and above the runway, with the floor of the zone 387 feet above mean sea level;
- **Approach zone:** sloping zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces. The lower surface of the approach zone equals the runway end elevation. The surface of the zone slopes upward as it extends away from the runway.
- **Transitional zone:** sloping zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.
- **Conical zone:** sloping zone that circles around the periphery of, and outward from, the airport zone with the floor set by the conical surface. The lower surface of the conical zone touches the airport zone at an elevation of 387 feet above mean sea level and slopes upward and outward to an elevation of 587 feet above mean sea level.
- **Primary zone:** generally horizontal zone that is centered about the runway. The surface of the zone is the same elevation as the elevation of the nearest point of the runway centerline.

The height restrictions or floors for the individual zones shall be those planes delineated as surfaces in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

B. Except as otherwise provided in this chapter, in any zone outlined in this section, a structure shall not be erected, altered or maintained, and vegetation shall not be allowed to grow to a height so as to penetrate at any point any of the surfaces, also known as the floor, of any zone provided for in A above. The county shall pay the cost of removing or trimming vegetation which has penetrated any of the surfaces.

Sec. 19.1-223. Height Limitations and Setbacks for Specified Structures or Appurtenances Excluding Communication Towers.

- A. Except for the height limits set forth in this division, the following structures shall have the height and setback limitations specified in Table 19.1-223.A.:
- church spires, belfries, cupolas, domes, heat transfer units, tanks, monuments, water towers, chimneys, flues, radio or television antennas, amateur radio antennas or similar structures having an aggregate area less than 25 percent of the ground floor building area;
 - parapet walls or bulkheads extending not more than 4 feet above the limiting height of the building; and
 - grain elevators, derricks, or other necessary industrial, utility or public service structures.

Table 19.1-223.A. Height Limitations and Setbacks for Specified Structures or Appurtenances Excluding Communication Towers and Amateur Radio Antennas

District	Height (feet)	Setbacks
R or R-TH	50	Accessory Structure Setbacks for the District
R-MF, O-1 or C-1	75	Principal Structure Setbacks for the District
A	150	Accessory Structure Setbacks for the District
All Other	150	Principal Structure Setbacks for the District

- B. **Amateur Radio Antenna.** Except for the height limits set forth in this division, amateur radio antenna shall have the following height and setback limitations:

1. **R and R-TH Districts.** Amateur radio antenna shall not exceed 75 feet in height.

For R and R-TH, antenna less than 50 feet in height shall meet the required accessory structure setbacks for the applicable zoning district.

In an R District, antenna 50 feet or more in height may be attached to the side or rear of a principal structure meeting the setback requirements of the applicable zoning district. If antenna is detached, it shall meet the side and rear yard setbacks required for a principal structure in the applicable zoning district and a front yard setback of the lesser of one half the average depth of the lot or 80 feet.

In an R-TH District, antenna 50 feet or more in height shall be attached to the side or rear of the principal structure which conforms to the setback requirements of the district.

2. **MH-1 and MH-3 Districts.** Amateur radio antenna shall not exceed 150 feet in height and shall meet the principal structure setback requirements for the applicable zoning district.

3. **MH-2 District.** Amateur radio antenna shall not exceed 150 feet in height. Antenna less than 50 feet in height shall meet the accessory structure setback requirements for the zoning district. Antenna more than 50 feet in height shall meet the principal structure setback requirements for the zoning district.
 4. **A District.** Amateur radio antenna shall not exceed 150 feet in height and shall meet the accessory structure setback requirements for the district.
 5. **R-MF, O-1 and C-1.** Amateur radio antenna shall not exceed 75 feet in height and shall meet the principal structure setback requirements for the applicable zoning district.
 6. **All Other Districts.** Amateur radio antenna shall not exceed 150 feet in height and shall meet the principal structure setback requirements for the applicable zoning district.
- C. **Communication Tower.** Communication tower height shall be limited based upon the height limitations shown on the zoning map layer titled Area of Special Height Limitations for Communication Towers. Specifically, the height of a communication tower is limited to either 199 or 300 feet depending upon the location of the property and shall meet the principal structure setback requirements for the applicable zoning district.

Sec. 19.1-224. through 19.1-229. Reserved.

History of Amendments	
<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94286.1

DIVISION 3. ACCESS and INTERNAL CIRCULATION-- NONRESIDENTIAL OR MIXED USE DEVELOPMENTS

Sec. 19.1-230. Purpose and Intent of Access and Internal Circulation Requirements.

The purpose and intent of this division is to:

- maintain or improve the level of service of roads;
- minimize the number of access points to roads;
- promote access sharing and travel between sites;
- ensure development occurs at a scale proportionate to the capacity of existing and proposed transportation facilities;
- ensure that appropriate traffic mitigation measures are provided;
- provide pedestrian circulation networks between residential, commercial and recreational areas; and
- enhance safety and convenience for the public.

Sec. 19.1-231. General Requirements.

- A. **Functional Classification.** The director of transportation shall be responsible for determining the functional classification of roadways.
- B. **Maximum Densities.** The director of transportation may establish maximum densities to achieve acceptable levels of service, as outlined in this division.
- C. **Required Improvements.** The developer shall provide improvements to meet the need generated by the development. The director of transportation shall determine the improvements necessary to accommodate a development in accordance with, but not limited to, the following:
- the thoroughfare plan or other planned transportation facilities;
 - maintaining a minimum D level of service based upon a 20 year traffic demand projection, as determined by the director of transportation or, in designated areas, a level of service no lower than that which currently exists; and
 - safe and efficient access.

- D. **Traffic Impact Analysis.** Unless the director of transportation approves specific mitigating road improvements without a traffic impact analysis, a traffic impact analysis shall be submitted to, and approved by, the director of transportation when a development is expected to:
- generate 10,000 average daily trips (ADT) or more, based on trip generation rates as defined by the Institute of Transportation Engineers' publication, Trip Generation, as amended; or
 - significantly impact the transportation network.
- E. **Internal Circulation.** Safe and appropriate vehicular circulation on-site and between adjacent properties shall be provided, as approved by the director of transportation.
- F. **Pedestrian Circulation.** Pedestrian ways shall be incorporated into each development and extended to adjacent properties. Pedestrian ways shall be designed to minimize conflicts with vehicular traffic.
- G. **Arterials and Collectors.**
1. **Vehicular Access.**
 - a. Direct access to arterials and collectors shall be approved by the director of transportation. Direct access may be individual or shared and may be provided by, but not limited to, one or more of the following, as approved by the director of transportation:
 - an existing or planned road, special access street, or private drive; or
 - the internal circulation of a shopping center, office complex or similar group of buildings having access in accordance with an approved access plan.
 - b. Unless an access plan is submitted to, and approved by, the director of transportation, direct access from a property to an arterial or collector road shall be limited as follows:
 - a lot recorded prior to August 12, 1987 shall be limited to one direct access to each arterial or collector road on which it fronts; and
 - 2 or more contiguous lots, any one of which was recorded prior to August 12, 1987, and under one ownership, control or maintenance shall be permitted a maximum of one direct access to each arterial or collector road on which they collectively front.
 2. **Crossover.** A crossover is a break in the median of a divided road. Prior to plan approval for a development located on property across from an existing or planned crossover, an access plan which addresses access for the surrounding area shall be approved by the director of transportation. The director of transportation may require the owner of the development to provide shared access to adjacent properties through easements or roads.

3. **Access Plan.** An access plan shall be drawn to scale and include the following, as deemed necessary by the director of transportation:

- dimensions and distances;
- traffic and pedestrian circulation system;
- location and width of roads, crossovers, driveways, access aisles, entrances to parking areas, pedestrian ways, bikeways; and
- other information as may be required.

(Ordinance 10-26-16)

Sec. 19.1-232. Appeals of Decision of the Director of Transportation.

A decision of the director of transportation under this division may be appealed in accordance with Section 19.1-30.C.

Sec. 19.1-233. through 19.1-234. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94287.1
10/26/2016	2	Bikeways	96806.3

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DIVISION 4. PARKING

Sec. 19.1-235. Off street Parking--Generally.

- A. **Required On site Parking.** Unless otherwise stated, sufficient off street parking areas shall be provided on the premises in connection with, and accessory to, each use.
- B. **Off site Parking.** Excluding permitted off site parking for uses in the Bon Air Special Design District, parking may be located on a lot other than the zoning lot on which the use it serves is located provided such lot is zoned to permit the use which it serves.

For uses in the Bon Air Special Design District, parking may be located on a lot other than the zoning lot on which the use it serves is located provided the parking is in, or within 1000 feet of, the Bon Air Special Design District. The property on which the parking is located need not be zoned to permit the use which it serves.

In either case, the owner shall obtain a lease for the off site parking, the terms and duration of which shall be acceptable to the director of planning. The approved lease shall be recorded with the circuit court clerk.

- C. **Parking Serving Non-Residential Uses in A, R, MH and R-TH Districts.** Parking areas of 5 or more spaces that serve non-residential uses shall conform to the parking requirements of an O, C or I District including, but not necessarily limited to, setbacks, landscaping, and buffers.
- D. **Parking Required Prior to Occupancy.** An occupancy permit shall not be issued until the required number of parking spaces is provided.

Sec. 19.1-236. Required Parking Spaces per Use.

- A. **Required Spaces.** The required number of parking spaces for each use shall be as outlined in Table 19.1-236.A. If the calculation yields a fractional number, the number shall be rounded to the next highest whole number. In the table, the term s/f means square feet; and gfa means gross floor area.
- B. **Uses not Listed.** For a use not enumerated in Table 19.1-236.A, parking requirements shall be based upon requirements for the most similar listed use, as determined by the planning department.
- C. **Developments Containing a Variety of Uses.** Except for shopping centers, mixed use developments shall provide parking spaces based upon the collective sum of the calculation for each use. Through plan review, a reduction in the required number of spaces may be granted if it is determined that uses will have different time demands, or sidewalks or pedestrian ways will be provided between uses.

- D. **Loading Spaces.** The planning department shall determine requirements for off street loading spaces based on frequency of deliveries, types of delivery vehicles, nature of the business, product delivered, or other factors.

Table 19.1-236.A. Required Number of Parking Spaces by Use

General Use Category	Specific Use or Size of Use	Number of Spaces Required	
		All Areas Excluding Special Design Districts [1] [2] [3] [4]	Special Design Districts [2] [3] [4]
Residential Units^[5]	Dwelling units except as listed below	2 per dwelling unit	2 per dwelling unit
	Assisted living with dwelling units (for Assisted living without dwelling units see Health Care, Assisted living)	0.8 per dwelling unit	0.8 per dwelling unit
	Manufactured home	2 per manufactured home ^[6]	2 per manufactured home ^[6]
	Multiple-family-Occupancy restricted to "housing for older persons" as defined by the Virginia Fair Housing Law with no residents permitted under 19 years of age	1.2 per dwelling unit	1.2 per dwelling unit
	Townhouses	2 per dwelling unit, plus 1 for each 5 dwelling units to be located in common parking areas	2 per dwelling unit, plus 1 for each 5 dwelling units to be located in common parking areas
Business from the Home		As per Sec. 19.1-235.A.	As per Sec. 19.1-235.A.
Day Care	Adult	1 per each 20 persons enrolled up to a maximum of 6 spaces, plus one for each employee ^[7]	4.4 per 1000 s/f of gfa ^[7]
	Child	1 per each 20 persons enrolled up to a maximum of 6 spaces, plus one for each employee ^[7]	
	Family day care home	As per Sec. 19.1-235.A.	As per Sec. 19.1-235.A.
School	Art, dance, martial arts, music	1 per 200 s/f of gfa	1 per 200 s/f of gfa
	Business or vocational	1 per employee, plus 1 for each 6 students enrolled (maximum students on site at one time)	1 per employee, plus 1 for each 6 students enrolled (maximum students on site at one time)
	Grades pre-kindergarten through grade 9	5 plus 1 per employee (maximum on site at one time)	5 plus 1 per employee (maximum on site at one time)
	Grades 10 and higher	1 per employee plus 1 for each 6 students enrolled (maximum on site at one time)	1 per employee plus 1 for each 6 students enrolled (maximum on site at one time)

Table 19.1-236.A. Required Number of Parking Spaces by Use

General Use Category	Specific Use or Size of Use	Number of Spaces Required	
		All Areas Excluding Special Design Districts [1] [2] [3] [4]	Special Design Districts [2] [3] [4]
Lodging	Hotel or motel	1 per bedroom	1 per bedroom
	• With cocktail lounge, restaurant or nightclub	Add 1 per 150 s/f of gfa for such area	Add 1 per 150s/f of gfa for such area
	• With meeting facility	Add 1 per each 3 seats of capacity for such area	Add 1 per each 3 seats of capacity for such area
Place of Assembly	Arena or stadium	1 for each 4 seats	1 for each 4 seats
	Church or other place of worship	1 for each 4 seats of sanctuary or main worship room capacity	1 for each 4 seats sanctuary or main worship room capacity
	Club or lodge		
	• Without fixed seats	1 per 100 s/f of gfa of assembly area	1 per 100 s/f of gfa of assembly area
	• With fixed seats	1 for each 4 seats of main meeting area capacity	1 for each 4 seats of main meeting area capacity
	Theater, sit down	1 for each 3 seats of capacity	1 for each 3 seats of capacity
	Place of assembly not otherwise enumerated		
	• Without fixed seats	1 per 100 s/f of gfa assembly area	1 per 100 s/f of gfa of assembly area
	• With fixed seats	1 for each 4 seats of main meeting area capacity	1 for each 4 seats of main meeting area capacity
Animal Care	Kennel, commercial	1 per 500 s/f of gfa- 5 spaces minimum	1 per 500 s/f of gfa- 5 spaces minimum
	Veterinary clinic or hospital	As required for Office uses	As required for Office uses
Health Care	Assisted living without dwelling units (for assisted living with dwelling units see Dwelling, assisted living with dwelling units)	1 for each 4 beds	1 for each 4 beds
	Clinic: Medical, Dental, Optical	As required for Office uses	As required for Office uses
	Hospital	1.5 for each bed	1.5 for each bed
	Nursing Home	1 for each 4 beds	1 for each 4 beds
Ambulance or Rescue Squad		3 for each emergency service vehicle operated from site	3 for each emergency service vehicle operated from site

Table 19.1-236.A. Required Number of Parking Spaces by Use

General Use Category	Specific Use or Size of Use	Number of Spaces Required	
		All Areas Excluding Special Design Districts [1] [2] [3] [4]	Special Design Districts [2] [3] [4]
Office	10,000 s/f or less of gfa	1 per 200 s/f of gfa-5 spaces minimum	4.4 per 1000 s/f of gfa ^[8]
	10,001 to 26,500 s/f of gfa	1 per 200 s/f for the first 10,000 s/f of gfa, plus 1 per 250 s/f in excess of 10,000 s/f of gfa	4.4 per 1000 s/f of gfa ^[8]
	26,501 to 50,000 s/f of gfa	1 per 200 s/f for the first 10,000 s/f of gfa, plus 1 per 250 s/f in excess of 10,000 s/f of gfa	1 per 200 s/f for the first 10,000 s/f of gfa, plus 1 per 250 s/f in excess of 10,000 s/f of gfa ^[8]
	50,001 to 75,000 s/f of gfa	1 per 200 s/f for the first 10,000 s/f of gfa, plus 1 per 250 s/f for the next 40,000 s/f of gfa, plus 1 per each additional 300 s/f in excess of 50,000 s/f of gfa	1 per 200 s/f for the first 10,000 s/f of gfa, plus 1 per 250 s/f for the next 40,000 s/f of gfa, plus 1 per each additional 300 s/f in excess of 50,000 s/f of gfa ^[8]
	75,001 s/f or more of gfa	1 per 200 s/f for the first 10,000 s/f of gfa, plus 1 per 250 s/f for the next 40,000 s/f of gfa, plus 1 per each additional 300 s/f for the next 25,000 s/f of gfa, plus 1 per each additional 400 s/f in excess of 75,000 s/f of gfa	1 per 200 s/f for the first 10,000 s/f of gfa, plus 1 per 250 s/f for the next 40,000 s/f of gfa, plus 1 per each additional 300 s/f for the next 25,000 s/f of gfa, plus 1 per each additional 400 s/f in excess of 75,000 s/f of gfa ^[8]
Automobile, Motor Vehicle or Tractor Trailer	Repair	3 plus 3 for each service bay	3 plus 3 for each service bay
	Sales or rental	1 per 400 s/f of gfa of enclosed sales, rental, office and parts area excluding service areas, plus 1 for each 2500 s/f of outside display area, plus 3 for each service bay	1 per 400 s/f of gfa of enclosed sales, rental, office and parts area excluding service areas, plus 1 for each 2500 s/f of outside display area, plus 3 for each service bay
	Self-service and service	1 per 200 s/f of gfa of enclosed building excluding service areas, plus 3 for each service bay	4.4 per 1000 s/f of gfa enclosed building excluding service areas, plus 3 for each service bay ^[8]

Table 19.1-236.A. Required Number of Parking Spaces by Use			
General Use Category	Specific Use or Size of Use	Number of Spaces Required	
		All Areas Excluding Special Design Districts [1] [2] [3] [4]	Special Design Districts [2] [3] [4]
Shopping Center or Similar Group of Retail Buildings		4.4 per 1000 s/f of gfa	4.4 per 1000 s/f of gfa ^[8]
Retail	Appliance store	1 per 750 s/f of gfa	4.4 per 1000 s/f of gfa
	Building materials sales	1 per 400 s/f of enclosed gfa area, plus 1 per 2000 s/f of outside display area	1 per 400 s/f of enclosed gfa area, plus 1 per 2000 s/f of outside display area
	Furniture store	1 per 750 s/f of gfa	4.4 per 1000 s/f of gfa
	Greenhouse or plant nursery	1 per 200 s/f of gfa in enclosed building exclusive of greenhouse, plus 1 per 700 s/f of gfa in greenhouse, plus 1 per 700 s/f of outside display and growing area	4.4 per 1000 s/f of gfa in enclosed building exclusive of greenhouse, plus 1 per 700 s/f of gfa in greenhouse, plus 1 per 700 s/f of outside display and growing area
	Home Center	1 per 400 s/f of enclosed gfa area, plus 1 per 2000 s/f of outside display area	1 per 400 s/f of enclosed gfa area, plus 1 per 2000 s/f of outside display area
	Retail Uses Not Otherwise Enumerated	1 per 200 s/f of gfa	4.4 per 1000s/f of gfa ^[8]
	Vendor, outdoor	5 for each vendor	5 for each vendor
Personal Service		1 per 200 s/f of gfa	4.4 per 1000 s/f of gfa ^[8]
Restaurant		1 per 100 s/f of gfa	4.4 per 1000 s/f of gfa ^[8]
Outside Dining		1 per 100 s/f ^[9]	4.4 per 1000 s/f ^{[8][9]}
Warehouse, Principal Use		1 for each employee (maximum on site at any one time), plus 1 per 200 s/f of gfa of front counter sales and stock area, plus 1 for each company vehicle	1 for each employee (maximum on site at any one time), plus 1 per 200 s/f of gfa of front counter sales and stock area, plus 1 for each company vehicle

Table 19.1-236.A. Required Number of Parking Spaces by Use

General Use Category	Specific Use or Size of Use	Number of Spaces Required	
		All Areas Excluding Special Design Districts [1] [2] [3] [4]	Special Design Districts [2] [3] [4]
Warehouse, Accessory to Principal Use not Associated with an Industrial Use	Office space less than 50% of the gfa and retail uses are accessory	1 per 400 s/f of gfa	1 per 400 s/f of gfa
	Office space less than 50% of the gfa and there are no retail uses	1 per 750 s/f of gfa	1 per 750 s/f of gfa
	Office space more than 50% of the gfa and retail uses are accessory	1 per 300 s/f of gfa	1 per 300 s/f of gfa
	Office space more than 50% of the gfa and there are no retail uses	1 per 400 s/f of gfa	1 per 400 s/f of gfa
Mini-storage or Mini-warehouse		1 for each employee (maximum on site at any one time)- 5 space minimum	1 for each employee (maximum on site at any one time)- 5 space minimum
Laboratory or Other Research and Development, not Associated with an Industrial or Manufacturing use		1 per 300 s/f of gfa	1 per 300 s/f of gfa
Industrial or Manufacturing Area Associated with a Craft Brewery, Distillery or Winery		1 per 750 s/f of gfa	1 per 750 s/f of gfa
Industrial or Manufacturing use not Otherwise Enumerated		1 for each employee for the first 300 employees, plus 1 per each 2 employees in excess of 300 (maximum on site at any one time)	1 for each employee for the first 300 employees, plus 1 per each 2 employees in excess of 300 (maximum on site at any one time)

Table 19.1-236.A. Required Number of Parking Spaces by Use

General Use Category	Specific Use or Size of Use	Number of Spaces Required	
		All Areas Excluding Special Design Districts [1] [2] [3] [4]	Special Design Districts [2] [3] [4]
Recreational	Go-kart, bumper boats or similar use	1 for each 3 karts, boats or similar use accommodated on track, water or similar facility at any one time	1 for each 3 karts, boats or similar use accommodated on track, water or similar facility at any one time
	Golf course	60 per each 9 holes	60 per each 9 holes
	Golf driving range	1.2 per each tee	1.2 per each tee
	Golf course, miniature	3 for each hole for the first 18 holes, plus 2 for each hole for the second 18 holes, plus 1 for each hole in excess of 36	3 for each hole for the first 18 holes, plus 2 for each hole for the second 18 holes, plus 1 for each hole in excess of 36
	Sports playfields, indoor and outdoor with fixed seats	1 for each 4 seats	1 for each 4 seats
	Sports playfields, indoor without fixed seats	45 per field	45 per field
	Sports playfields, outdoor without fixed seats	30 per field	30 per field
	Swimming pool	1 per 90 s/f of swimming and wading area	1 per 90 s/f of swimming and wading area
	Tennis, racquetball, squash and handball court	4 per court	4 per court
	Volleyball court	12 per court	12 per court
	Indoor facilities not otherwise listed	1 per 200 s/f of gfa	4.4 per 1000s/f of gfa ^[8]

Notes for Table 19.1-236.A.

- [1] In the Northern Jefferson Davis Highway Design District, parking requirements for nonresidential uses shall be based upon the lesser of that outlined in the Table or 4.4 per 1000 s/f of gfa.
- [2] In the Northern Jefferson Davis Highway Design District, Employment Center, Special Design Districts and C-1 Districts, the required number of parking spaces may be reduced by 10% if the development contains a sidewalk or other pedestrian system which connects, or will connect, to existing or future sidewalks or pedestrian systems.
- [3] In the Northern Jefferson Davis Highway Design District and Special Design Districts, for nonresidential uses parking spaces in a road may be counted toward the required number of parking spaces when more than 1/2 of the space adjoins the use.
- [4] Within a non-residential development adjacent to a bikeway required by Sec. 19.1-208., the number of parking spaces may be reduced by 1 for each 6 bicycle storage spaces, with a maximum reduction of 3 and provided a minimum of 5 parking spaces shall be provided.
- [5] For residential uses, parking spaces within a garage or an enclosed or covered space may be counted toward parking requirements.
- [6] In an MH-1 District, one of the required parking spaces may be located in a common parking area within the park.
- [7] If a drop-off or pick-up area is provided directly from vehicles to the building, stacking space shall be provided. If such an area is not provided, 5 additional parking spaces shall be installed. If care is provided for school age children, a sidewalk shall be installed from the building to the school bus stop for the facility.
- [8] In the Ettrick Special Design District, parking requirements for the use shall be based upon 2.2 parking spaces per 1,000 s/f of gfa.
- [9] The required number of spaces shall be based upon the square footage of the outside dining that exceeds 20 percent of the gfa of the associated principal use.

(Ordinance of 10-26-16; Ordinance of 12-14-16; Ordinance of 5-24-17; Ordinance of 8-22-18)

Sec. 19.1-237. Required Stacking Spaces per Use.

- A. **Required Spaces.** Stacking spaces shall be provided for a use having drive-through facilities or uses having drop-off and pick-up areas. Stacking spaces shall be provided as outlined in Table 19.1-237.A.

Table 19.1-237.A. Stacking Spaces Required		
Use		Stacking Spaces
Automobile Wash	Automatic or drive through	7 per bay
	Self-service	3 per bay
	Accessory to gasoline sales	5 per bay
Bank		4 for the first window plus 2 for each additional window
Fast Food Restaurant		6 for the first window plus 2 for each additional window
Other Use with Drive-in Window		3 spaces for each window

Sec. 19.1-238. Parking Design Standards.

A. **Parking Space Size and Design.**

1. Parking spaces shall be of a shape, location and design so as to be effectively usable. Paved parking spaces shall be legibly striped.
2. Except for handicapped parking spaces, paved parallel parking shall be 7 feet wide and 22 feet long and striped with 4 inch wide white lines perpendicular to the curb or edge of pavement. Other paved spaces shall be 9 feet wide and 18 feet long, and gravel or unpaved overflow parking spaces shall be 10 feet wide and 20 feet long. (Note: Size and location of handicapped spaces is based on building code standards.)

B. **Stacking Space Size and Design.**

1. Stacking spaces shall be separated from internal drives with raised medians for traffic movement or safety, as deemed necessary at the time of site plan review. Stacking spaces shall be designed so as not to impede on- or off site traffic movement or access to parking spaces.
2. Stacking spaces shall be 18 feet long.

- C. **Drive Dimensions.** Unless otherwise stated in this chapter, drive dimensions shall be as outlined in Table 19.1-238.C.

Table 19.1-238.C. Drive Dimensions			
Drive Type	Layout	Traffic Pattern and Drive Width (feet)	
		Two Way	One Way ^[1]
Drives Serving Rows of Parking Spaces	90° parking on 2 sides of drive	24	22
	60° parking on 2 sides of drive	24	22
	45° parking on 2 sides of drive	24	14
	90° parking on 1 side of drive	22	18
	60° parking on 1 side of drive	20	14
	45° parking on 1 side of drive	20	12
Drives Without Parking on Either Side	Parking area of more than 30 spaces	24	12
	Parking areas of 16 to 30 spaces	22	12
	Parking areas of 15 or fewer spaces	20	12

Notes for Table 19.1-238.C.

[1] Mini-warehouse facility one way drives shall be a minimum of 22 feet.

D. **Surface Treatment.** Except as stated below, parking shall be paved with concrete, bituminous concrete or similar material excluding surface treatment.

1. Except in the Employment Center District, the following parking areas shall have a minimum surface depth of 6 inches of No. 21 or No. 21A stone or similar materials as may be approved at time of plan review:
 - 4 spaces or less except those serving mini-warehouse facilities or in MH-3 Districts;
 - single family residential serving an individual dwelling unit;
 - business from the home;
 - farm;
 - track-mounted equipment storage or display;
 - customer vehicles storage in automobile and motor vehicle tow lots;
 - recreational equipment storage yards including those located within a mini-warehouse facility; and
 - in I-2 and I-3 Districts except for employee or visitor parking areas.
2. In I-2 and I-3 Districts employee or visitor parking areas and in MH-1 Districts, parking areas shall be surfaced with a minimum of a triple shot of tar and gravel.
3. In lieu of concrete, bituminous concrete or similar material excluding surface treatment, overflow parking areas may be surfaced with landscaped porous pavement systems, such as grassed cellular paving, grass over a structural liner, or other equivalent material if the area is:
 - permanently delineated and restricted to automobile use, and
 - accessed solely through required parking areas which are paved with concrete, bituminous concrete or similar material excluding surface treatment.

E. **Edging and Drainage.**

1. **Edging for Paved Parking.** Except as detailed in the Environmental Engineering Department's Reference Manual and as outlined below, concrete curb and gutter shall be installed around the perimeter of parking areas paved with concrete, bituminous concrete or similar material excluding surface treatment. At time of plan review, the following alternatives may be approved:
 - curbing material of similar quality, such as brick or cobblestone; or
 - in the Upper Swift Creek Watershed where low impact development practices are used, alternative means of defining pavement edges.
2. **Edging for other parking areas.** Except as detailed in the Environmental Engineering Department's Reference Manual, the perimeter of other parking areas shall be delineated by

permanent means such as bumper blocks, railroad ties, timbers with minimum end dimensions of 6 inches by 8 inches, or similar treatment. Delineation materials shall be permanently secured to the ground with a minimum of 2 re-bars, pavement or other feature.

3. **Drainage.** Parking area drainage shall be designed so as not to interfere with pedestrian traffic.

Sec. 19.1-239. Bicycle Storage Space Standards.

Where the required number of parking spaces is reduced as provided in Table 19.1-236.A., Note 4, the following standards shall be met:

1. Storage spaces which shall include bicycle racks shall be of a shape, location and design so as to be effectively usable;
2. Storage spaces shall be located as close as practicable to building entrances; and
3. Storage spaces shall either be located within:
 - a parking area, but not on required parking spaces or so as to obstruct vehicular traffic;
 - a sidewalk, but not so as to obstruct pedestrian traffic; or
 - another area as may be approved through plan review.

(Ordinance of 10-26-16)

Sec. 19.1-240. through 19.1-244. Reserved.

(Ordinance of 10-26-16)

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94288.1
10/26/2016	2	Bikeways	96806.3
12/14/2016	3	Required Parking Spaces for Restaurants	97156.1
5/24/2017	4	Commercial & Industrial Uses	98093.3
	5	version not used	
8/22/2018	6	Northern Jefferson Davis Highway Design District	112805.1

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DIVISION 5. LANDSCAPING, SCREENING AND BUFFERS

Sec. 19.1-245. Purpose and Intent of Division.

The purpose and intent of landscaping requirements is to protect and promote the appearance, character and economic value of land; reduce the visual impact of paved areas; moderate climatic effects; minimize noise and glare; enhance public safety by defining spaces to influence traffic movement; reduce stormwater runoff; provide transition between properties; and promote environmental stewardship. Whenever possible, maintenance of the existing topography is encouraged.

Sec. 19.1-246. Landscape Plan Requirements.

Landscape plans shall be submitted to comply with the requirements of this chapter. The director of planning may allow the phasing of landscape installation at the time of plan review.

A. **Conceptual Landscape Plan.** Unless otherwise provided, a conceptual landscape plan shall be submitted for those properties required to have landscaping. Conceptual plans shall be approved by the planning department prior to final site or subdivision construction plan approval. Conceptual plans shall be drawn to scale and show the following:

- site improvements;
- limits of clearing and grading;
- property lines;
- easements and rights-of-way;
- underground and overhead utilities;
- fire hydrant locations;
- a conceptual lighting layout, if site is to be lit;
- parking lots;
- best management and stormwater management areas;
- dimensions and distances of perimeter yards and buffers;
- trees or shrubs to be removed or preserved;
- protection method for trees or shrubs to be preserved; and
- landscape requirements, including, but not limited to, those required for each yard, buffer, parking lot, streetscape or best management practice area; and
- general layout of existing vegetation to be preserved and vegetation to be planted showing large or small deciduous trees, evergreen trees, medium or small shrubs, or groundcover.

- B. **Detailed Landscape Plan.** A detailed plan shall be submitted for approval prior to the release of a temporary occupancy permit or recordation of a subdivision final plat. Detailed landscape plans shall be drawn to scale and show the following information:
1. information as required on a conceptual plan;
 2. plant species and sizes for each plant type; and
 3. details, notes and plan specific requirements.
- C. **Upper Swift Creek Tree Canopy Plans.** Within the Upper Swift Creek Watershed, where a minimum tree canopy is required, the following shall be submitted:
1. **Master Tree Canopy Plan.** Preliminary subdivision plats and any development having multiple phases or sections shall include a tree canopy master plan for review and approval with initial submittal. The tree canopy master plan shall serve as a guide to be followed for each site and construction plan, and shall be updated during the development of the overall project. Any revisions to the plan during the development shall be submitted to the planning department for approval. The plan shall graphically delineate areas to be set aside to satisfy tree canopy requirements and the means by which such requirements will be satisfied. For subdivision plats which received approval prior to December 11, 2013 and which required compliance with tree canopy requirements for each subdivision section, then, upon submission of a tree canopy master plan, the director of planning may grant approval to comply with tree canopy requirements on an overall subdivision basis.
 2. **Detailed Tree Canopy Plan.** In conjunction with each site plan and subdivision construction plan submission, a detailed tree canopy plan shall be submitted to the planning department for approval. Upon completion of grading or construction activity, if it is determined that the quality of remaining trees, slopes, drainage or other issues have impacted the tree canopy requirements as shown on the detailed plan, a revised detailed plan shall be submitted for approval prior to the recordation of a subdivision final plat or release of temporary occupancy permit. Such plans shall be prepared in accordance with the requirements for detailed landscape plans per 19.1-246.B.

(Ordinance of 1-22-20)

Sec. 19.1-247. Tree Preservation.

1. **Preservation.** Existing trees and shrubs within required setbacks along roads and buffers shall be retained to provide continuity, improve buffering, and minimize new landscaping that requires watering. At time of plan review, removal of existing healthy vegetation may be approved to accommodate vehicular access or utilities that run generally perpendicular through the setback or buffer, or as necessary to accommodate healthy vegetative growth.
2. **Credits for Preservation.** Healthy existing vegetation may be credited toward landscaping requirements provided it is reasonably distributed throughout the setback, buffer or other required landscape area.

3. **Root Protection Zone during Construction.** Land disturbance other than for access or utilities shall be allowed in setbacks along roads provided that such disturbance is no closer to the tree than the root protection zone. The root protection zone is a one foot radius around the tree for each inch of trunk diameter measured 4.5 feet above grade. However, under no circumstances shall the root protection zone extend beyond the road setback limits.
4. **Upper Swift Creek Watershed Tree Canopy.** Tree preservation shall be required in compliance with Sec. 19.1-545 within the Upper Swift Creek Watershed.

(Ordinance of 8-22-18; 1-22-20)

Sec. 19.1-248. Surety Requirements.**A. Surety for Initial Landscaping Installation.**

1. **Street Trees in Subdivisions.** Prior to final plat recordation, either:
 - Required street trees shall be installed; or
 - A form of surety satisfactory to the director of planning shall be submitted in an amount equal to the cost of completing the required landscaping. If surety is submitted, required subdivision street trees shall be installed prior to planning department approval to occupy a property on which a street tree is required; however, if the street tree is to be located on property other than on an individual lot, installation shall occur prior to state acceptance of the subdivision road along which the street tree is required.
2. **Other Landscaping.** Planning department approval to occupy a property shall not be issued nor shall a subdivision final plat be recorded until either:
 - The required landscaping is completed; or
 - A form of surety satisfactory to the director of planning is submitted in an amount equal to the cost of completing the required landscaping. If surety has been submitted, the required landscaping shall be installed based upon the approved phasing plan or during the first planting season following date of issuance of the surety.

B. Surety for Replacement of Landscaping Installation.

1. For property subject to site plan review, to insure replacement of unhealthy, dying, dead or pollarded landscaping within the first year of installation, where the cost of required landscaping is more than \$1000 based on a landscape contractor's estimate satisfactory to the director of planning, then either:
 - A form of surety, satisfactory to the director of planning, in an amount equal to 50 percent of the cost of initial installation of required landscaping shall be submitted to the planning department prior to the planning department's approval to occupy the site; or
 - The landscaper and the property owner shall provide a guarantee, in a form acceptable to the director of planning, to replace such landscaping within the first year of installation. Any transfer of property ownership shall be subject to the guarantee.
2. For property subject to subdivision review, to insure replacement of unhealthy, dying, dead or pollarded landscaping within the first year of installation for sites where the cost of required landscaping is more than \$1000 based on a landscape contractor's estimate satisfactory to the director of planning, a form of surety, satisfactory to the director of

planning, in an amount equal to 50 percent of the cost of initial installation of required landscaping, shall be submitted to the planning department.

Sec. 19.1-249. Maintenance Requirements.

- A. **Generally.** All plant material shall be tended and maintained in a healthy growing condition. Except as otherwise provided, the property owner shall be responsible for maintenance of the required landscaping. Maintenance of required street trees within a subdivision shall be the responsibility of a homeowners' association and such responsibility shall be shown on the final plat.
- B. **Water Supply for Sites Requiring Site Plan Approval.** Except as specified herein, a readily available water supply shall be provided for required landscaped areas. The exceptions are as follows:
 1. In I-2 and I-3 Districts, a readily available water supply shall only be required in the setback along roads which accommodate or are intended to accommodate through traffic;
 2. Landscaped areas in stormwater management or BMP facilities;
 3. Landscaped areas planted with drought tolerant plants listed in the Chesterfield County Plant Materials List; or
 4. Properties that provide a continuous maintenance, watering, and replacement program for plant materials with a reputable landscape maintenance company for a minimum of 3 years.
- C. **Landscape Replacement.**
 1. With the exception of trees required to meet the canopy requirements within the Upper Swift Creek Watershed, required landscaping which is removed, becomes unhealthy or dies, or is pollarded shall be replaced during the next planting season.
 2. Required trees or shrubs which are removed from within required setbacks from roads or buffers without written approval from the planning department shall be replaced at a ratio of 2 trees or shrubs for each tree or shrub removed, or other treatment as may be approved by the planning department.
 3. Within the Upper Swift Creek Watershed, trees required to meet the canopy requirements which are removed without written approval from the planning department, become unhealthy or die, or are pollarded shall be replaced unless the planning department determines that the replacement is unnecessary to meet the tree canopy requirements.
- D. **Tree Limbing.** A required tree may have lower branches removed up to one third of the height of the tree under the following circumstances:
 - Within setbacks from roads to provide visibility into a property for which site plan approval is required; or

- To insure healthy growth of understory vegetation, as determined by the planning department.

(Ordinance of 1-22-20)

Sec. 19.1-250. Landscape Design, Installation, Quality and Size Standards.

- A. **Landscaping Design.** Except as otherwise required, plantings shall be in an irregular line and spaced at random. Plants and tree species shall be clustered to provide a professionally acceptable composition and mix of vegetation. Decorative walls and fences may be integrated into a required landscape area.
- B. **Installation.** Landscaping shall be installed in accordance with professionally accepted landscaping practices and procedures. Landscaped areas shall be protected from vehicular encroachment by means such as, but not limited to, wheel stops, concrete curbs or bituminous curbs.
- C. **Quality.** At time of planting, required landscaping shall be alive and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the *American Standard for Nursery Stock*, published by the AmericanHort. Native species shall be those outlined on the Chesterfield County Plant Materials List. Within the Upper Swift Creek Watershed, the planting of trees to meet tree canopy requirements shall be in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation.

(Ordinance of 1-22-20)

- D. **Minimum size landscaping.** The minimum size of required landscape materials shall be as shown in Table 19.1-250.D.:

Table 19.1-250.D. Minimum Size Landscaping Standards							
Landscape Type	Size at Time of Planting					Size at Maturity	
	Non-Native Species Caliper	Native Species Caliper	Multi-Stem Height	Non-Native Species Height	Native Species Height	Height/ Years	Crown Spread/ Years
Small Deciduous Trees	2.5" [1]	2" [1][2]	8' [3]				More than 12'/10
Large Deciduous Trees	2.5" [1]	2" [1][2]	10' [3]				More than 30'/20
Evergreen Trees				7'	6'	18'/20	
Medium Shrubs				18"	18"	3'/5	

Notes for Table 19.1-250.D.

- [1] Street tree caliper shall be measured 4 feet above grade. For all other trees, caliper shall be measured 6 inches above grade.
 [2] Street trees minimum caliper shall be 2.5".
 [3] Multi-stem street trees shall have 3 canes and be a minimum of 10 feet in height.

Sec. 19.1-251. Perimeter Landscaping Types and Requirements.

- A. Generally.** Landscaping shall be required at the outer boundaries of projects and in the required yards of a lot, parcel, or development except where driveways or other openings may be required.
- B. Perimeter Landscaping Types and Minimum Requirements.** Table 19.1-251.B. outlines the requirement of the different perimeter landscaping types required by this chapter. The table generally specifies the number of trees or shrubs required for each linear foot of the yard, and/or other treatment that may be required within the yard.

TABLE 19.1-251.B. Perimeter Landscaping Types					
Perimeter Landscaping Type	Plantings/Treatment ^{[1][2]}				
	Small Deciduous/ Linear Feet	Large Deciduous/ Linear Feet	Evergreen Tree/ Linear Feet	Medium Shrub/ Linear Feet	Other
A	1/50		1/50	1/20	[12]
B Option 1	1/50	1/50	1/30	1/15	[12]
B Option 2 in required setback along road		1/50 ^[3]	1/30	1/15	[4] [12]
B Option 3 in required side and rear setbacks adjacent to O, C, I property not within the same project		1/35 spaced generally on center			[5]
C Option 1	1/30	1/50	1/30	1/10	[12]
C Option 2 in required setback along road	1/50	1/50 ^[3]	1/30	1/15	[4] [12]
D ^[15]	1/50	1/50	1/30	[6]	[6] [12]
E ^[15]	1/30	1/50	1/30	[7]	[7] [12]
F ^[15]	1/30	1/50	1/30	[8]	[8] [12]
G		1/50 ^[14]			[9] [12]
H		1/50			
I	1.5/30	1.5/50	1.5/30	1.5/10	[12]
J ^[10]		1/35 spaced generally on center			[11]
K		1/40 spaced generally on center [10][13]			[12]
L	1/35 spaced generally on center				
M	[16]				[16]

Notes for Table 19.1-251.B.

- [1] Healthy existing trees or shrubs may be credited toward landscaping requirements if reasonably distributed throughout the length of the area.
- [2] Walls or fences with a minimum height of 3 feet may reduce the amount of required plant materials, as determined at the time of plan review.
- [3] If overhead utility lines conflict with large deciduous trees, such trees shall be placed within planting areas or islands located adjacent to the setback. Such planting areas or islands shall have a minimum size of 300 square feet per required tree.
- [4] An average 3 foot high undulating berm, designed to provide topographical interest yet maintain reasonable visibility into parking areas, and having maximum side slopes of 3:1 shall be installed within the setback.
- [5] An evergreen shrub hedgerow that is maintained at a height of 3 to 4 feet for the length of parking areas.
- [6] Either 1 medium shrub for each 5 lineal feet; a continuous hedgerow; or a continuous white or whitewashed picket fence, with a height of 3 to 4 feet.
- [7] Either 1 medium shrub for each 5 lineal feet; a continuous hedgerow with a height of 3 feet at time of planting; a continuous decorative wood, PVC or wrought-iron fence with a height of 3 to 4 feet; or a continuous brick wall with a height of 3 to 4 feet.
- [8] Either a continuous hedgerow with a height of 3 feet at time of planting; or a continuous 5 to 6 foot high screening fence or wall constructed of the same materials used in the building.
- [9] A continuous evergreen hedgerow that grows to, and is maintained at, a height of 3 to 4 feet for the length of the parking areas.
- [10] At time of plan review, alternative treatment may be approved based upon reduced averaged setbacks, utility conflicts, or to ensure sign visibility.
- [11] A double staggered hedgerow of evergreen medium shrubs for the length of parking areas between parking areas and roads, and low shrubs and ground cover in planting beds at entrances.
- [12] Low shrubs and ground cover shall be used appropriately in tree and shrub beds.
- [13] The same or similarly shaped species shall be planted in a linear pattern in front and corner side yard setbacks so as to create a formal landscape theme.
- [14] Trees shall be planted behind the sidewalk unless determined, at the time of plan review, to be impractical, in which case, they may be installed between the street and the sidewalk. If large trees will conflict with overhead utility lines, small deciduous trees spaced a maximum of 40 feet on center may be planted.
- [15] In all areas of Midlothian Special Design District, landscaping within setbacks along roads shall conform to The Village of Midlothian Technical Manual, dated September 1991.
- [16] Tree islands having a minimum width of 7 feet, spaced every 4 parking spaces adjacent to road, and planted with small deciduous trees.

(Ordinance of 6-22-16)

Sec. 19.1-252. Street Tree Requirements.

- A. Tree Wells.** Tree wells in a sidewalk along a road or drive shall have a minimum area of 75 square feet by 3 feet deep and contain an uncompacted soil mix favorable for healthy tree growth. If approved at time of plan review, a portion of the area may be located underneath the sidewalk. The area shall have a sub-drain tied to the storm sewer system. For properties requiring site plan approval, the tree wells shall be irrigated.
- B. Street Trees Required.** Street trees shall be required as follows:
1. As specified in this chapter;
 2. R-TH and MH-3 subdivisions;
 3. Upper Swift Creek Watershed, single-family residential subdivision receiving preliminary plat approval after January 22, 2020; and
 4. Upper Swift Creek Watershed, single-family residential subdivision where lots did not receive preliminary plat approval but received construction plan approval after January 22, 2020.
- C. Street Trees.** Unless otherwise specified in this chapter, street trees shall comply with the following requirements:
1. Street trees shall be installed along both sides of roads and any private pavement serving multiple units excluding alleys;
 2. Unless otherwise provided in this chapter, or as permitted during plan review, street trees shall be large deciduous trees spaced generally 40 feet on center; however, if large deciduous trees will conflict with overhead utility lines, small deciduous trees spaced generally 40 feet on center shall be installed;
 3. Trees shall either be installed within the right-of-way, or a maximum of 5 feet outside of the right-of-way. In a subdivision, if the trees are planted outside of the right-of-way, they shall be located in an easement granted to the homeowners' association;
 4. Tree species shall be those species designated for use as a street tree in the Chesterfield County Plant Materials List; and
 5. Within the Upper Swift Creek Watershed eligible street trees installed within tree wells may be credited towards tree canopy requirements under 19.1-545 if designated through plan review.

(Ordinance of 1-22-20)

Sec. 19.1-253. Landscaping Standards for Surface Parking Areas.

- A. **Design.** Required landscaped areas shall be reasonably dispersed and located to divide the expanse of pavement. Use of continuous planting islands is encouraged to minimize individual planting islands. Continuous planting islands shall be used to define entrances and walkways within parking areas.
- B. **Required Landscaped Area.** Paved parking areas shall have 30 square feet of interior landscaping for each space. Required landscape areas for individual type trees shall be as per Table 19.1-253.B.

TABLE 19.1-253.B. Landscape Area Requirements for Parking		
Landscape Type	Minimum Size Of Landscape Area	
	Area (s/f) ^[1]	Dimension of Landscape Area at Tree Location (ft)
Large Deciduous Trees ^[2]	250	15
Small Deciduous Trees ^[2]	150	9
Continuous Planting Islands	600	9

Notes for Table 19.1-253.B.

- [1] If approved through plan review, a maximum of 10 percent of the required area may be smaller.
- [2] In lieu of planting in isolated areas, required trees may be planted in continuous planting islands, as specified herein.

C. Landscape Treatment.

1. Areas within required setbacks shall not be counted toward required parking area landscaping.
2. Best management practice landscaped bio-retention islands located within parking areas shall count toward required parking area landscaping.
3. Plantings shall not block the sight line of motorists at driveway intersections.
4. The majority of required landscaping shall be trees that are capable of providing shade at maturity. In addition to required trees, shrubs and other vegetative material compatible with tree type shall be planted in required landscape areas.
5. With the exception of Special Design Districts, one tree shall be provided for each 200 square feet, or fraction thereof, of required interior landscaped area. A minimum of 50 percent of required trees shall be large deciduous trees.
6. In all other Special Design Districts, one large deciduous tree shall be provided for each 200 square feet, or fraction thereof, of required interior landscaped area.

(Ordinance of 8-22-18)

Sec. 19.1-254. through 19.1-259. Reserved.

Sec. 19.1-260. Purpose and Intent of Screening and Buffers.

- A. **Screening**. Screening provides a vertical barrier designed to block visual or noise impact. Screening is intended to provide complete visual separation of uses such as, but not limited to, outside storage, loading docks, overhead doors, service areas, trash collection storage areas and vehicle storage yards.
- B. **Buffers**. Buffers provide intermittent visual separation between uses, and between residential dwellings and roads. Buffers also provide horizontal distance and open space between uses, preserve vegetation, provide transition and separation, reduce noise and glare, maintain privacy, and preserve forested vistas adjacent to arterial roads.

Sec. 19.1-261. Specific Provisions for Screening.

Screening shall be accomplished by one or more of the following means:

- building design;
- durable architectural walls or fences of comparable materials to the principal building and designed to be compatible to the principal building; or
- berms or other land forms which are part of, or appear to be part of, the natural terrain.

Sec. 19.1-262. General Provisions for Buffers.

A. **Buffer Requirements Generally**.

1. In addition to the buffers required herein, the board of supervisors or board of zoning appeals may require buffers at the time of their final decision on applications before them to effectively and appropriately buffer one use from another use where such uses are deemed to be incompatible. Buffers shall not be used for any purpose other than as permitted herein, or as permitted by the action of the board of supervisors or board of zoning appeals.
2. Except on a zoning lot having a combination of zoning districts, buffers shall be located at the outer boundaries of a property.
3. On a zoning lot having a combination of nonresidential and residential zoning, any portion, or all, of the A, R, R-TH or R-MF zoned property may be used to meet the nonresidential buffer requirement if approved during plan review, and the buffer shall be located in a perpetual easement. If the easement is located on a recorded subdivision lot, an amended subdivision plat shall be submitted for approval and, once approved, recorded with the clerk of the circuit court prior to issuance of a land disturbance permit. For property located outside of a subdivision, the buffer easement shall be recorded with the clerk of the circuit court prior to issuance of a land disturbance permit.

4. Buffers shall be provided on the property being developed.
5. Unless otherwise specified, buffers shall be provided in an unbroken landscape strip.
6. On sites requiring site plan approval, buffers shall be inclusive of required setbacks.
7. On sites requiring subdivision plan approval, buffers shall be exclusive of easements which are generally parallel to the buffer, street fill slopes, street cut slopes steeper than 3:1, and required setbacks.

B. **Permitted Uses in Buffers.** Provided that the uses are consistent with the purpose and intent of buffers, uses permitted in buffers include:

- landscaping and screening as permitted herein;
- signs;
- security fencing;
- utilities which run generally perpendicular through the buffer;
- pedestrian ways;
- bikeways; or
- similar uses as may be permitted through plan review.

In subdivisions, easements or road accesses crossing a buffer shall be permitted provided they cross the buffer generally at right angles or so as to have the least impact on the buffer.

C. **BMP/SWM Basins in Buffers.** Unless approved through the zoning process, best management practices basins (BMP) and stormwater management basins (SWM) shall not be located within a required buffer except as permitted by Sec. 19.1-262.D.2.

D. **Permitted Encroachments into Buffers Adjacent to Roads in Subdivisions.** The following encroachments shall be permitted, provided that, at the time of plan review for a subdivision, the necessity for the encroachment is demonstrated along with the fact that alternatives to the encroachment are not easily available. The easement encroachment shall be depicted on construction plans.

1. At time of construction plan review, the following encroachments shall be permitted subject to the criteria listed:
 - a. In the Upper Swift Creek Special Buffer Area, as shown on the zoning maps, a maximum of a 100 foot wide total easement encroachment generally parallel to the buffer shall be permitted, provided a minimum 25 foot buffer is maintained between the easements and lot lines.
 - b. Parallel to and along the road side of a buffer, a maximum of a 15 foot wide total easement encroachment adjacent to an arterial road and a 10 foot wide total easement encroachment adjacent to a collector road shall be permitted, provided the buffer is located within open space. The buffer shall be landscaped in accordance with the

- requirements of Section 19.1-263.B.2. for the applicable required width buffer for the road classification. In no case shall the landscaped area of the buffer be less than 25 feet in width between easements and lot lines.
- c. Subsequent to plat approval, if a publicly funded collector or arterial road project necessitates that public easements or rights of way encroach into a required buffer along such road, the directors of planning and transportation may allow such encroachments up to a maximum of 20 feet in width along an arterial road and 10 feet in width along a collector road provided the remaining buffer width without easement encroachment is not less than 25 feet.
2. At time of preliminary plat review, if it is determined, due to unique site circumstance, that a BMP is required adjacent to a road, the BMP may encroach as determined by the director of environmental engineering, provided that:
- it is located within open space;
 - it is kept free of debris by the homeowners' association; and
 - in addition to the requirements of Section 19.1-212., landscaping, berms, or decorative fences or features are provided between the lots and the road to accomplish the spirit and intent of the buffer requirement and to preclude access to the road, as determined at the time of plan review.

(Ordinance of 10-26-16)

Sec. 19.1-263. Specific Buffer Requirements.**A. Buffers between Different Zoning Districts.**

1. **Exemptions.** The buffers shown in Table 19.1-263.A.1.a. shall not apply to O and C property located in the Ettrick and Bon Air Special Design Districts.
2. **Buffer Widths.** Buffers shall be provided between different zoning districts as outlined in Tables 19.1-263.A.1.a. and 19.1-263.A.1.b.

**Table 19.1-263.A.1.a. Required Buffers Between Different Zoning Districts
Exclusive of Northern Jefferson Davis Highway Design District**

Subject Property Zoning	Adjacent Property Zoning and Buffer Width(feet) ^[1]				
	A Occupied by Residential Use	Vacant A Designated on Comprehensive Plan for Residential Use or R-7 thru R-88, R-C	R-TH	MH	R-MF
R-TH		50			
R-MF		50	50		
O-1		40	40	40	40
O-2		50	50	50	50
C-1		40	40	40	40
C-2		50	50	50	50
C-3		75	75	75	75
C-4		75	75	75	75
C-5		100	100	100	100
I-1	100	100	100	100	100
I-2	100	100	100	100	100
I-3	100	100	100	100	100

Note for Table 19.1-263.A.1.a.

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

Table 19.1-263.A.1.b. Required Buffers Between Different Zoning Districts Within Northern Jefferson Davis Highway Design District

Subject Property Zoning	Adjacent Property Zoning and Buffer Width(feet) ^{[1][2]}			
	Vacant A Designated on Comprehensive Plan for Residential Use or R-7 thru R-88, R-C	R-TH	MH	R-MF
R-TH	25			
R-MF	25			
O-1	25	25	25	25
O-2	25	25	25	25
C-1	25	25	25	25
C-2	25	25	25	25
C-3	25	25	25	25
C-4	25	25	25	25
C-5	25	25	25	25
I-1	25	25	25	25
I-2	75	75	75	75
I-3	100	100	100	100

Notes for Table 19.1-263.A.1.b.

- [1] Except for C-5 and I Districts, the buffer width may be reduced as follows:
- 10 feet in width with a wall provided along the property line. The wall must be a minimum of 6 feet in height, composed either of brick, stone or other durable masonry material approved by the planning department.
 - 5 feet in width with a wall, as outlined in footnote 1.a., provided along the property line where the only use within 45 feet of the property line is automobile parking.
 - No buffer for a building if the building wall adjacent to the property line has no openings, and no openings occur within 10 feet of the property line. Remainder of buffer to be 25 feet or as provided in footnote 1.a and b.
- [2] For a C-5 district, the buffer may be reduced to 15 feet with a wall, as outlined in footnote 1.a., along the property line, with upward growing evergreen trees planted 10 feet on center for the length of the wall.

3. **Buffers Treatment.** Table 19.1-263.A.2.a. outlines the landscaping requirements for buffers between different zoning districts. If the buffer does not contain existing vegetation or if existing vegetation is approved for removal, the requirements of either Table 19.1-263.A.2.a. or Table 19.1-263.A.2.b. may be used.

Table 19.1-263.A.2.a. Buffer Treatment Between Different Zoning Districts where Vegetation Exists and will be Retained

BUFFER WIDTH (Feet)	TREATMENT ^[1]					
	Small Deciduous/ Linear Feet ^[2]	Large Deciduous/ Linear Feet	Evergreen Tree/Linear Feet	Medium Shrub/Linear Feet	Low Shrubs and Ground Cover in Tree and Shrub Beds	Equivalent Perimeter Landscaping
Less than 50	1/30	1/50	1/30	1/10	Yes	C
50	1.5/30	1.5/50	1.5/30	1.5/10	Yes	1.5 x C
75	2/30	2/50	2/30	2/10	Yes	2 x C
100	2.5/30	2.5/50	2.5/30	2.5/10	Yes	2.5 x C

Notes for Table 19.1-263.A.2.a.

- [1] Between different zoning districts, where a bikeway required by Sec. 19.1-208. is permitted within a buffer, the director of planning may modify buffer treatment requirements so long as the resulting improvements and design meet the purpose and intent of buffers.
- [2] Evergreen trees may be substituted for a maximum of 50 percent of required small deciduous trees.

Table 19.1-263.A.2.b. Buffer Treatment Between Different Zoning Districts Where Vegetation Does Not Exist or is Approved For Removal

BUFFER WIDTH (Feet)	TREATMENT ^[1]					
	Small Deciduous/ Linear Feet ^[2]	Large Deciduous/ Linear Feet	Evergreen Tree/Linear Feet	Medium Shrub/Linear Feet	Low Shrubs and Ground Cover in Tree and Shrub Beds	Berm
Less than 50	1/50	1/50	1/30	1/15	Yes	4' High with maximum side slope of 3:1
50	1.5/50	1.5/50	1.5/30	1.5/15	Yes	
75	2/50	2/50	2/30	2/15	Yes	
100	2.5/50	2.5/50	2.5/30	2.5/15	Yes	

Notes for Table 19.1-263.A.2.b.

- [1] Between different zoning districts, where a bikeway required by Sec. 19.1-208. is permitted within a buffer, the director of planning may modify buffer treatment requirements so long as the resulting improvements and design meet the purpose and intent of buffers.
- [2] Evergreen trees may be substituted for a maximum of 50 percent of required small deciduous trees.

B. Buffers Adjacent to Roads in Lot Subdivisions.

1. **Buffer Widths.** For a lot subdivision, as defined in Chapter 17, buffers shall be provided adjacent to roads as outlined in Table 19.1-263.B.1.

Table 19.1-263.B.1. Buffers Adjacent to Roads for Lot Subdivisions.

Road Classification	Buffer Width (feet) ^{[1][2]}
Residential Collector	30
Collector	35
Arterial	50 ^[3]

Notes for Table 19.1-263.B.1.

- [1] Buffer requirements shall not apply to lots recorded prior to 2/28/2001.
- [2] Where right-of-way dedication occurs to accommodate a bikeway required in 19.1-208., the width of the buffer shall be reduced by the width of the right-of-way necessary to accommodate the bikeway.
- [3] In the Upper Swift Creek Special Buffer Area shown on the zoning maps, the buffer width shall be increased to 100 feet except for lots which received preliminary plat approval prior to 10/10/2007.

2. **Buffers Treatment. Buffers Treatment.** Table 19.1-263.B.2. outlines the landscaping requirements for buffers adjacent to roads for lot subdivisions. If the buffer does not contain existing mature vegetation, the requirements outlined in either Table 19.1-263.B.2. or Table 19.1-263.A.2.b. may be used.

Table 19.1-263.B.2. Buffer Treatment Adjacent to Roads for Lot Subdivisions where Vegetation Exists and will be Retained

BUFFER WIDTH (Feet)	TREATMENT ^[1]					
	Small Deciduous/ Linear Feet ^[2]	Large Deciduous/ Linear Feet	Evergreen Tree/Linear Feet	Medium Shrub/Linear Feet	Low Shrubs and Ground Cover in Tree and Shrub Beds	Equivalent Perimeter Landscaping
25	1.5/50	1.5/50	1.5/30	1.5/15	Yes	1.5 x B
30	1.8/50	1.8/50	1.8/30	1.8/15	Yes	1.8 x B
35	2.1/50	2.1/50	2.1/30	2.1/15	Yes	2.1 x B
50	3/50	3/50	3/30	3/15	Yes	3 x B
100	3/50	3/50	3/30	3/15	Yes	3 x B

Note for Table 19.1-263.B.2.

- [1] Evergreen trees may be substituted for a maximum of 50 percent of required small deciduous trees.

(Ordinance of 6-22-16; Ordinance of 10-26-16; Ordinance of 8-22-18)

Sec. 19.1-264. Buffer Waivers or Modifications.

A. **Site Plan Review.** Except for buffers required by zoning approval and when such approval did not allow modification of the requirements through plan review, the requirements for buffers or screening may be waived or modified during site plan review under the following circumstances:

- adjacent property is zoned R, R-TH, R-MF or MH and is occupied by a nonresidential use;
- adjacent property is vacant and designated on the comprehensive plan for nonresidential use; or
- property is located within Chester Special Design District, adjacent property is designated for other than single family residential use on the comprehensive plan, and the requirements of Sections 19.1-355., 19.1-356. and 19.1-357. are met.

B. **Subdivision Review.** Except for buffers required by zoning approval and when such approval did not allow modification of the requirements through plan review, the requirements for buffers in subdivisions may be modified during subdivision plan review provided that the resulting improvements and design meet the purpose and intent of buffers and, for buffers adjacent to roads, preclude access to the road. Where the buffer width is reduced to accommodate a bikeway required by 19.1-208, the required treatment within the buffer shall be likewise reduced or alternative treatment may be approved within the reduced width.

For buffers adjacent to roads, modifications shall be limited to relocation of the buffer area and plantings, or alternative landscaping, as follows:

- reduction of the shrub requirement if it is determined that another feature, such as topography or existing mature vegetation, would limit the effectiveness of, or necessity for, shrubs;
- using durable decorative walls or fences, berms, increasing landscaping, fencing to minimize land disturbance, or subdivision design; or
- significant or unique topographical variation which accomplishes the spirit and intent of the buffer, and precludes access to the road.

(Ordinance of 10-26-16)

Sec. 19.1-265. through 19.1-269. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	2	Date of Adoption	
6/22/2016	3	Bon Air Special Design District	96319.3
10/26/2016	4	Bikeways	96806.3
	5	version not used	
8/22/2018	6	Northern Jefferson Davis Highway Design District	112805.1
	7	Version Not Used	
1/22/20	8,9	Upper Swift Creek Tree Preservation	115976

DIVISION 6. SIGNS

Sec. 19.1-270. Purpose and Intent of Sign Standards.

The purpose and intent of sign standards are to regulate publicly visible displays or graphics, protect and enhance the character of roads and surrounding areas, prevent diminishing property values due to excessive signage, safeguard the public use and nature of roads, and minimize motorist distractions. The standards are specifically designed to:

- promote maximum sign legibility;
- prevent over-concentration of signs as well as excessive height, bulk and area of signs;
- promote safety by requiring that signs not create a hazard due to collapse, fire, collision, decay or abandonment, obstruct firefighting or police surveillance, nor create traffic hazards by confusing or distracting motorists or by impairing a driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs; and
- identify a destination.

Sec. 19.1-271. Prohibited Signs.

The following shall be prohibited:

- Unless specifically permitted, changeable copy signs;
- Sound or smoke producing signs;
- Moving signs or copy intended to attract attention, regardless of whether or not the sign has a written message or whether all or any part of it moves by means including, but not limited to, rotating, fluttering or being set in motion by movement of the atmosphere. This prohibition includes pennants but does not include commercial or noncommercial flags or routine operation of the hands of a clock;
- Commercial signs held or carried to attract attention;
- Persons dressed in costumes and acting to attract attention to a commercial activity;
- Attention getting devices such as pennants, streamers, balloons or inflatable devices of any configuration acting to attract attention to any use other than noncommercial activity at a residential use;
- Signs with lights creating a moving or traveling effect, flashing lights, intermittent lights or lights with changing degrees of intensity, excluding copy on computer controlled variable message electronic (EMC) signs which may fade as transition to next copy;
- Signs falsely implying traffic control, caution, or danger, or which are a copy, imitation of, or likely to be confused with, governmental entity signs;
- Internally lighted canopies or awnings constructed of translucent material;
- Commercial signs on a parked automobile, motor vehicle, tractor trailer or trailer when used primarily for the purpose of, and serving the function of, a sign, except when parked in the operator's driveway, when loading or unloading, or when parked to the side or rear of a nonresidential building and not visible from adjacent roads;

- Signs greater than 48 square inches on a parked automobile, motor vehicle, tractor trailer or trailer, which display a commercial message that is unrelated to an activity or enterprise of the owner or operator of the vehicle or trailer; and
- Outdoor advertising signs except as specified in Sec. 19.1-279.

(Ordinance of 7-24-19)

Sec. 19.1-272. Sign Permits.

- A. **Signs Requiring a Sign Permit.** A sign permit shall be required for any sign, excluding limited duration signs, originally built or enlarged to be in excess of 8 square feet, and for any enlargement, structural alteration or modification of these signs other than sign refacing.
- B. **Signs Requiring a Planning Sign Permit.** On a vacant lot, a lot occupied by a nonresidential use, property at the entrance to a residential community, or an O, C and I property, a planning sign permit shall be obtained for any sign for which a sign permit is not required except for off-site signs outlined in Section 19.1-278.C.5. Applications shall not be submitted more than 30 days prior to the proposed display date.
- C. **Outdoor Advertising Signs.** A permit for a new outdoor advertising sign shall not be approved until an applicant first applies for, and receives, a demolition permit to demolish one or more existing outdoor advertising sign structures. A permit for a new outdoor advertising sign shall not be approved until confirmed by site inspection that the demolition of existing outdoor advertising sign structures and any related debris removal has occurred. The sign owner may make an application to build a new outdoor advertising sign structure and such application shall be approved if: i) such owner has demolished one or more existing outdoor advertising sign structures as outlined above; (ii) the sign is in a Sign Modernization Area (SMA); and (iii) sign complies with Sec. 19. 1-279. A permit may also be issued to modernize an existing outdoor advertising sign structure located in an SMA provided such sign structure complies with the provisions of this chapter.
- D. **Sign and Planning Sign Permit Applications.**
1. **Number of Required Applications.** Except for computer controlled variable message electronic (EMC) signs or outdoor advertising signs, a single application may be made for multiple signs as follows:
 - signs within a single project; and
 - limited duration signs on multiple properties.

A separate application shall be required for each EMC sign.

2. **Application Information.** Applications shall include information deemed necessary by the planning department to ensure compliance with this division.

(Ordinance of 12-16-15; Ordinance of 7-24-19)

Sec. 19.1-273. General Regulations.

A. **Signs Generally.** Unless otherwise provided, the following regulations shall apply to all signs and are in addition to other regulations contained herein:

1. Except as otherwise specified in this division, commercial signs shall be related to the premises.
2. A noncommercial message may be substituted, in whole or in part, for the message displayed on any sign which conforms to this chapter without consideration of message content. Such substitution of message may be made without any additional approval, permitting, registration or notice. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. Whenever a zoning lot has not used all of its permissible sign area, then the unused portion may be used for the display of signs displaying noncommercial messages. Any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.
3. Signs posted by, or required to be posted by any government or governmental agency shall be exempt from this division.
4. Signs posted solely for traffic control, public safety, or hazard warnings shall be exempt from this division.
5. Signs shall be constructed and maintained in compliance with the Uniform Statewide Building Code. Signs shall be kept structurally safe, clean in appearance and maintained in good condition and repair.
6. Signs shall not obstruct an opening intended to provide light, air, or building ingress or egress.
7. Freestanding signs shall not overhang any portion of a building or property line.
8. Signs shall not unreasonably obstruct the view of other signs from roads.
9. Signs shall not be posted on trees, utility poles or traffic control devices.
10. Sign position, shape and color shall not interfere with, obstruct the view of, or cause confusion with, a traffic sign, traffic signal, or other traffic control device.
11. Sign lighting shall not impair a driver's vision, obstruct police surveillance, or cause direct glare into or upon, property other than that on which the sign is located.
12. Signs shall not obstruct firefighting access.
13. For signs requiring a sign permit, a survey prepared by a registered civil engineer or surveyor certifying the location, height, and area of the sign shall be submitted following erection of the sign, if requested by the planning department.

14. Unless otherwise specified in this chapter, signs shall be permanent.
15. For freestanding signs outlined in Sections 19.1-276. and 279 which require a sign permit, the permit number and date of issuance shall be permanently affixed so as to be clearly legible from the ground.
16. Except for limited duration signs, within 60 days after the advertised use or activity ceases, a sign shall be removed or replaced with a blank face, unless a shorter time is specified in this chapter. In addition, six (6) months after a freestanding sign has ceased to be used for a permitted advertisement the sign shall be removed, unless a shorter time is specified in this chapter. Limited duration signs shall be removed after the advertised use or activity ceases or after the permitted display period has ended, whichever is sooner.

B. Comprehensive Sign Package for Nonresidential Communities.

Prior to the first site plan approval for a nonresidential community, a comprehensive sign package for all proposed signs shall be submitted to the planning department for approval. The sign package shall include information necessary to ensure compliance with this chapter, such as, but not limited to, conceptual sign renderings or descriptions with sizes, lighting, and general locations. All signs shall conform to the following:

- letter style and graphic display of signs shall be similar;
- area, location, and material of signs shall substantially conform to building and site design;
- freestanding sign structures shall be similar;
- a single type of building mounted display shall be used;
- background colors of sign boxes shall be similar; and
- other than the primary sign, signs for each individual use shall have the same background color which shall be one of the colors of the primary sign.

C. Measurement of Signs.

1. **Building Mounted.** The area of building mounted signs shall be determined as follows:

- **Projecting Sign.** The area of a rectangle or square encompassing the extreme limits of each individual sign face, including all background visible from any direction at any one time;
- **Canopy or Awning Sign.** The area of the surface upon which the sign copy is located;
- **Individually Mounted or Painted Copy Sign.** If the copy is not emphasized by an architectural or painted element of the building, the sum of the area within a series of rectangles or squares encompassing each individual figure. If the copy is emphasized

by an architectural or painted element of the building, the area shall be determined in accordance with the requirements for Other Building Mounted Signs as outlined below; and

- Other Building Mounted Signs. The area of a rectangle, square, circle, triangle or combination thereof encompassing the extreme limits of copy.

2. **Freestanding.**

- a. Area. The area of a sign shall be that of a rectangle, square, circle, triangle or combination thereof encompassing the extreme limits of copy. The area of a 2 or more sided sign, where the interior angle between sides exceeds 90 degrees, shall be the sum of the area of the copy on all sides.
- b. Height. Except as stated herein, sign height shall be the vertical distance from grade level to the top of the sign copy:
 - the height of a sign installed on an artificially created berm, mound or similar feature shall include the height of such feature; or
 - the height of sign adjacent to a road and installed below the grade of the nearest travel lane shall be the vertical distance from such lane grade to the top of the sign copy.

(Ordinance of 7-24-19)

Sec. 19.1-274. Sign Setbacks and Lighting.

- A. **Signs Permitted in VDOT Right-of-Way.** In addition to the signs outlined in B., the following signs may be placed within the right-of-way if approved by the Virginia Department of Transportation:

- signs posted by, on behalf of, or with permission of, a governmental agency or public utility;
- noncommercial signs within a median strip at the entrances to residential, nonresidential, or mixed-use communities;
- limited duration banners across a road in Special Design Districts related to a noncommercial activity within the District; and
- other signs permitted by this chapter when located within a right-of-way expanded solely to accommodate a bikeway required by Sec. 19.1-208.

- B. **Road Setbacks.** Except where expressly stated, signs shall meet the following requirements:

1. **Road Setbacks.** Except as outlined herein, setbacks shall be measured from the existing right-of-way. If a sign is permitted to be located within an ultimate right-of-way shown on the comprehensive plan, or an existing right-of-way, the owner shall be responsible for relocating

the sign to conform to the setback requirements at such time that the road is widened. Signs shall conform to the following setbacks:

- a. Except as outlined b., signs shall be set back as follows:
 - in Special Design Districts, 5 feet from the right-of-way; or
 - in other areas, 20 feet from the edge of the pavement or face of curb as applicable, but in no case less than 1 foot from the right-of-way.
 - b. Along the following roads, signs may be located within the ultimate right-of-way shown on the comprehensive plan if the right-of-way is dedicated, free and unrestricted, to the county, and either a license agreement is obtained from the board of supervisors or a permit is obtained from VDOT, as may be applicable, provided the signs are set back 20 feet from the edge of the pavement or face of the curb, as applicable:
 - Route 60 between the Powhatan County line and Winterfield Road;
 - Route 60 between Old Buckingham Road and the Richmond corporate limits;
 - Route 360;
 - Route 10 between the Richmond corporate limits and Buckingham Street;
 - Route 10 between Jefferson Davis Highway and the Hopewell corporate limits;
 - Huguenot Road;
 - Courthouse Road between Route 60 and Route 360;
 - Harrowgate Road; and
 - Jefferson Davis Highway.
2. **Other Property Line Setbacks.** Signs shall be set back 15 feet from all other property lines.
 3. **Outdoor Advertising Signs.** Setbacks shall conform to 19.1-279.E.

C. **Lighting.**

1. **Generally.** Lighting shall be arranged and installed so that the light source is not visible from adjacent roads, adjacent R, R-TH or R-MF property, or adjacent A property designated on the comprehensive plan for residential use. Lighting shall not blink, fluctuate or move.
2. **Sign Lighting on R and MH Property, and on A Property Designated on the Comprehensive Plan for Residential Use--Hours Limitations.** Excluding residential community entrance signs, or signs serving public parks, schools, churches or other places of worship, nonresidential use signs shall not be lighted between the hours of 10 p.m. and 6 a.m.
3. **External lighting.** External lighting shall be limited to white lighting in spots or floods which are concealed or screened from view. If external lighting is used, internal lighting shall not be permitted. Incidental building lighting shall not be considered external sign lighting.

4. **Internal Lighting.** Internal lighting shall be contained within translucent copy or internally illuminated sign boxes. Sign box internal lighting shall be restricted to the sign face. If internal lighting is used, external lighting shall not be permitted.

5. **Limited Duration Sign Lighting Prohibited.** A limited duration sign shall not utilize lighting. (Ordinance of 10-26-16; Ordinance of 7-24-19)

Sec. 19.1-275. Building Mounted Signs.

A. Nonresidential Use-Signs Generally.

1. If the side or rear lot line adjoins R, R-TH, R- MF property, or A property designated on the comprehensive plan for residential use, no building mounted sign shall be visible from such property unless the sign is located a minimum of 150 feet from such property.
2. The color of a sign's raceway shall match that of the building face on which the sign is mounted.
3. Except as provided for a noncommercial flag, building mounted signs shall not project above the building's roofline or parapet wall. A roofline or parapet wall shall not be artificially extended to accommodate signage.
4. A projecting sign shall not extend more than 6 feet from the building, roof, or canopy to which it is attached, exceed a face-to-face thickness of 8 inches, or exceed the height of the fascia or parapet wall. The sign shall be attached so as to maintain a minimum clearance of 8 feet above grade.
5. Permitted building mounted signage may be placed on a drive-through canopy fascia. The area of a drive-through canopy fascia shall be included in determining total building mounted signage unless the color of the fascia is 1 of the following colors, excluding the color of any sign copy:
 - black;
 - white; or
 - a significant accent color of the building.

B. Nonresidential Use Building Mounted Sign Area.

1. **Determination of Building or Tenant Face Length.** The area of permitted signage shall be based upon the building or tenant face length to include the length of any canopy. The building or tenant face length shall be determined as follows:
 - for a single tenant building, the greater of the length of the face generally parallel to the road or the length of the building face where the primary exterior entrance exists;
 - for a multi-tenant building with tenants having individual exterior entrances, the length of the face of tenant space where the primary exterior entrance exists; or

- for a building with tenants having individual exterior entrances and tenants having common exterior entrances, signage for tenants with individual exterior entrances shall be based upon the length of the face of the tenant space where the primary exterior entrance exists, and signage for the remainder of the building shall be based upon the length of the building face minus that for each tenant with an individual exterior entrance.

2. **Determination of Permitted Signage.**

- a. **Length of Signage.** Under no circumstances shall the collective length of building mounted signs on a building or tenant face exceed 70 percent of the length of the building or tenant face, as applicable.
- b. **Area of Signage.** Permitted signage shall be 1.25 square feet for each 1.0 linear foot of building or tenant face length, provided that a minimum of 30 square feet of signage shall be permitted. For uses having primary building entrance facing a major arterial and located more than 300 feet from the road's right-of-way, the sign area may be increased to 1.50 square feet for each 1.0 linear foot of building or tenant face.
- c. **Permitted Increases in Area of Signage.** The permitted sign area in b. may be increased as follows:
 - **Building Outside of a Nonresidential Community or Outparcel in a Nonresidential Community.** If a freestanding sign is not erected, the permitted 1.25 square feet of signage for each 1.0 linear foot of building or tenant face length may be increased to 1.75 square feet for each 1.0 linear foot of such length.
 - **Building at Road Intersections.** The total sign area may be increased by 50 percent provided that the sign area exposed to any single road shall not be increased beyond that normally permitted for that building face. This increased sign area shall be calculated based on the maximum area of building mounted signs permitted before any other permitted increase in sign area.
 - **Building Fronting on Multiple Roads or Public Parking Areas to Front and Rear.** The sign area for a use which extends from the front to the rear of a building may be increased by 100 percent to allow a sign on both the front and rear building face. The sign area exposed to any road or view from the parking area shall not be increased beyond that normally permitted for that building face. This increased sign area shall be calculated based on the maximum area of building mounted signs permitted before any other permitted increase in sign area.

- C. **Other Nonresidential Use Building Mounted Signage.** The following signs shall be permitted and shall not be included in the permitted aggregate area of building mounted signs:

- **Door and Window Signs.** Temporary signs mounted on, or externally visible through, a door or window, not to exceed 25 percent of the total window or door area on the face of the building through which the sign is visible, shall be permitted, provided the view into the establishment from the bottom half of the door or window is not obstructed.
- **Under Canopy Signs.** 1 under canopy sign not to exceed 8 square feet shall be permitted in front of each tenant's main entrance.
- **Noncommercial Flag.** Up to 2 noncommercial flags each not to exceed 24 square feet may be permitted on poles above the roofline. Such poles shall not project beyond façade of building, extend no more than 15 feet from the roofline and in no case exceed maximum permitted height of building upon which located.

D. Building Mounted Signage on Property with Residential as Principal Use.

- Signs shall not be internally illuminated;
- Building mounted signs shall not project above a building's roofline or parapet wall;
- Single family dwelling units or multifamily units with individual exterior entrances shall be permitted 1 square foot of signage for each unit; and
- Multifamily units sharing a common exterior entrance shall be permitted 4 square feet of signage for each common entrance.

(Ordinance of 7-24-19)

Sec. 19.1-276. Freestanding Signs.

A. Generally.

1. **Number.** Except where specifically stated, a project shall be limited to 1 freestanding sign. The same limitation shall apply to a single property outside of a project.
2. **Sign Structure.** Except for limited duration signs, freestanding sign structures shall either be covered with a material having a similar color and finish to the principal building, be covered with a material and primary color used elsewhere on the sign, or be an architectural detail such as a column or a decorative wall. Except as permitted for outdoor advertising signs, signs shall be either a monument sign, clad pole sign or be a sign composed of architectural design having building columns, roof or building cap with a supporting base.
3. **Freestanding Sign Landscaping.** Except for signs located within areas which were paved as of April 25, 2001, or signs outlined in Sections 19.1-277. and 19.1-278., the base of freestanding signs shall be landscaped with groundcover, shrubs and trees consistent with site landscaping. Such landscaping shall be maintained in a healthy condition, kept clear of debris and any dead or dying materials replaced. For monument signs such features may be included within a planting box or similar feature compatible with sign. Landscaping shall be equal to a

minimum of 1.5 square feet for each square foot of sign and evenly distributed around base of sign or as otherwise approved by director planning.

- B. Except as otherwise permitted in this division, the following freestanding signs shall meet the requirements outlined in Table 19.1-276.B.1.

Table 19.1-276.B. 1. Freestanding Signs					
Project Type	Size of Project Or Location	Countywide excluding O-1, C-1 and Special Design Districts ^[1]		O-1, C-1 and Special Design Districts ^[1]	
		Area (square feet)	Height (feet) ^[2]	Area (square feet)	Height (feet) ^[2]
Mixed Use Community ^{[3][4][5]}	50 acres or Less	100	15	32	8
	Greater than 50 acres	150	20	32	8
Nonresidential Community ^{[3][4][5]}	Less than 300,000 s/f of gfa	100	15	32	8
	300,000 s/f of gfa or Greater	150	20	32	8
Outparcel in a Nonresidential Community ^{[4][5]}	O and I Districts	32	8	24	8
	C Districts	32	8	24	8
Property Outside of a Nonresidential Community ^{[4][5][6]}	O and C Districts	50	15	24	8
	I District – 25 acres or Less	50	15	24	8
	I District – Greater than 25 acres	100	15	24	8
Property in A, R, R-MF, R-TH, MH District with a Nonresidential Use, Excluding Farm Use ^{[4][5]}	Fronting on a major arterial	50	15	24	8
	Fronting other road	32	15	24	8
Property in A District with Farm Use ^[7]		12	10	12	10
Residential Community Entrance ^[8]		32	15	32	7
Property in A, R, R-MF, R-TH, MH District on which there is a residential use		^[9]	5	^[9]	5
Special Design District Entrance		70	12	70	12

Notes for Table 19.1-276.B.1.

- [1] In addition to permitted freestanding signs, commercial or noncommercial flags not to exceed the square foot limitations for a permitted freestanding sign and a height of 50 feet, to include the pole to which attached, shall be permitted. The area of any permitted freestanding sign shall be reduced by the total area of all commercial flags. A maximum of 1 commercial flag shall be permitted on each pole.
- [2] Architectural elements enclosing the top area of copy shall be permitted provided the element height does not exceed 25 percent of the allowable sign height.
- [3] For a property having frontage exceeding 600 linear feet along a major arterial road and more than one entrance from such road, the permitted freestanding signage along such road may be shared among 2 freestanding signs provided signs are separated a minimum of 200 linear feet and placed at or near separate entrances. Such signs shall be consistent in character and style.
- [4] Property fronting 2 or more major arterial roads shall be permitted along each such road 1 freestanding sign conforming to the size and height limitations.
- [5] Property fronting a major arterial road and a collector road, or 2 or more collector roads, shall be permitted along each such road 1 freestanding sign. Signs along a major arterial road shall conform to the listed size and height limitations. Signs along a collector road and within 300 feet of an R, R-TH or R-MF property, or A property designated on the comprehensive plan for residential use, shall not exceed 16 square feet and a height of 8 feet. All other signs along a collector road signs shall not exceed 32 square feet and a height of 10 feet. Signs along a collector road shall not be externally lighted nor include changeable copy.
- [6] The sign square footage for a project with multiple tenants sharing common building entrances may be increased by 10 square feet.
- [7] The sign square footage may be displayed in more than 1 sign provided the total area of all signs does not exceed the permitted square footage. Signs may be temporary.
- [8] 1 such sign shall be permitted for each road entrance into the community, provided that 2 signs shall be permitted if each sign is attached to a decorative fence or wall located on opposite sides of the entrance. Each sign shall be limited to 32 square feet, provided that the sign area may be increased by 1 square foot for each dwelling unit in excess of 320, but in no case shall a sign exceed 100 square feet. In a residential development having multiple neighborhoods not generally connected by local roads, 1 sign, not to exceed 12 square feet and 7 feet in height at each neighborhood entrance from an arterial, collector or residential collector road shall be permitted.
- [9] Noncommercial signage may be provided in more than 1 sign provided that the aggregate area of all such signs shall not exceed 8 square feet. A maximum of 1 sign may be a commercial sign not to exceed 6 square feet. Signs may be temporary.

(Ordinance of 7-24-19)

Sec. 19.1-277. Additional Signs.

The signs in this section shall be in addition to other signs permitted by this division.

1. **Freestanding Sign at Entrances to Projects in O, C and I Districts.** 2 on-site signs, each not to exceed 4 square feet and a height of 5 feet, shall be permitted at each road entrance to a project. Signs shall be limited to 2 colors, one for lettering and one for background. Lighting shall be limited to internal means.
2. **Freestanding Signs at Entrances to Establishments O, C and I Districts Located Outside a Nonresidential Community that Share Access to a Road.** Where 2 establishments are required by the transportation department to share access to a road, each establishment shall be allowed 1 sign, either on- or off-site, along the shared access. Each sign shall not exceed 4 square feet and a height of 5 feet.
3. **Freestanding Off-site Signs for Specific Public and Semi-Public Places.** Assembly uses exceeding 10,000 gross floor area, hospitals on greater than 25 acres, transit uses, or other public uses without a direct entrance to a major arterial road shall be permitted 1 off-site sign. If the signs are located on a major arterial road, 2 signs shall be permitted on opposite sides of such road. Signs shall not exceed 7 square feet and a height of 7 feet.
4. **Drive-through Facility Stacking Lane Signs.** Adjacent to each stacking lane, 2 signs shall be permitted provided they are not legible from off site. Signs shall be limited to 6 feet in height. In Special Design Districts, the cumulative area of all such signs shall not exceed 24 square feet, and in all other areas 45 square feet. Computer controlled variable message electronic (EMC) copy may be incorporated where, in addition to the standards of this subsection, such copy is not visible from roads.
5. **Establishments Accommodating Orders from Parking Spaces or Fueling Stations.** 1 sign, not to exceed 4 square feet, shall be permitted adjacent to each space or station. The sign shall be attached to columns supporting a canopy. The color of the sign box shall match the color of the column on which the sign is mounted.
6. **Fuel Dispenser Mounted Signs.** 8 square feet of signage, attached to, or immediately above, each fuel dispenser shall be permitted. Signs shall not be internally illuminated.
7. **Entertainment, Recreational or Athletic Facility Signs.** Signs interior to an entertainment, recreational or athletic facility that have copy visible only within such facility shall not count towards the number or area of signage permitted for such facility elsewhere in this division. Where a sign has copy visible from off-site it shall count towards the facility permitted signage and be subject to all applicable regulations of this division.

(Ordinance of 6-24-20)

Sec. 19.1-278. Limited Duration Signs.

- A. **Permitted Limited Duration Signs.** Limited duration signs shall be in addition to other signs permitted by this division.

B. Limited Duration Signs in O, C, and I Districts, and in A Districts Designated on the Comprehensive Plan for Nonresidential Use.

1. **Noncommercial Freestanding Signs.** A mixed use or nonresidential community, or zoning lot not located within a mixed use or nonresidential community shall be permitted 2 noncommercial signs. 1 additional such sign for each 500 linear feet of road frontage in excess of 1000 feet shall be permitted; however, in no case shall the number of such signs exceed 4. Each sign shall not exceed 32 square feet and 7 feet in height. Each sign shall be displayed for no longer than 120 consecutive days. Display of such signs on each community or lot shall be limited to a total of 120 days within any calendar year.
2. **Noncommercial Banners Across Roads in Special Design Districts.** In a Special Design District, 1 banner, not to exceed 250 square feet, related to a noncommercial activity within the District, either on-site or off-site of the property on which the activity is to occur, shall be permitted. The sign shall be located across a road. Display of the banner shall be limited to 60 consecutive days. Display of such banners within each Special Design District shall be limited to a total of 120 days within any calendar year.
3. **Commercial Freestanding Signs on Occupied Property.** A mixed use or nonresidential community, or a zoning lot not located within a mixed use or nonresidential community shall be permitted 2 commercial signs, each not to exceed 32 square feet and 7 feet in height. 1 additional such sign for each 500 linear feet of road frontage in excess of 1000 feet shall be permitted; however, in no case shall the number of such signs exceed 4. Display of each sign shall be limited to 60 consecutive days. Display of such signs by an individual tenant or owner shall be limited to a total of 120 days within any calendar year. The director of planning may approve time extensions on property with vacancies or real estate for sale.
4. **Building Mounted Banners on Nonresidential Community.** A nonresidential community shall be permitted 2 banners, each not to exceed the greater of 50 square feet or 15 percent of the area of the building face or tenant unit face on which the banner is mounted. Display of each banner shall be limited to 60 consecutive days. Display of such banners by an individual tenant or owner shall be limited to a total of 120 days within any calendar year.
5. **Building Mounted Banners on Zoning Lot Outside of a Nonresidential Community or Outparcel within a Nonresidential Community.** A zoning lot outside of a nonresidential community or outparcel within a nonresidential community shall be permitted 1 banner, not to exceed the greater of 50 square feet or 15 percent of the area of the building face or tenant unit space on which the banner is mounted. Display of such banner shall be limited to 30 consecutive days. Display of such banners by an individual tenant or owner shall be limited to a total of 120 days within any calendar year.
6. **Commercial Signs on Vacant Zoning Lot.** A vacant zoning lot shall be permitted 2 commercial signs, each not to exceed 32 square feet and 8 feet in height. A zoning lot fronting 2 or more major arterial or collector roads shall be permitted 2 such signs along each such road. Signs shall be removed at such time that the activity which it advertises ceases.

7. **Off-site Signs for Noncommercial Use of Limited Duration.** A noncommercial use lasting 14 or fewer days shall be permitted 10 off-site signs on either O, C or I property, or A property designated on the comprehensive plan for nonresidential use. Each sign shall not exceed 32 square feet and 8 feet in height. 1 sign shall be permitted per zoning lot or community. Display of signs shall be limited to 15 days prior to commencement, and 48 hours after cessation, of the advertised use. Each organization shall be limited to the display of such signs 4 times within any calendar year.
8. **Sidewalk Sign.** In Special Design Districts, uses which do not utilize a freestanding sign and directly abut a road or parking lot shall be permitted one sidewalk sign, not to exceed 6 square feet in area and 3 feet in height. Such signs shall be located within sidewalks or other pedestrian ways but not within right-of-way nor placed so as to obstruct free movement of pedestrian or wheelchairs. Such signs shall be placed directly adjacent to use it serves and display is limited to hours of operation for such use.

C. Limited Duration Signs in R, R-TH, R-MF and MH Districts, and in A Districts Designated on the Comprehensive Plan for Other than Nonresidential Use.

1. **Noncommercial Signs at Residential Community Entrances.** At each entrance into a residential community, 1 noncommercial sign, not to exceed 32 square feet and a height of 7 feet, shall be permitted. Display of each sign shall be limited to 60 consecutive days. Display of such signs on each community shall be limited to 120 days within any calendar year.
2. **Banners for Nonresidential Use on Zoning Lot not Occupied by a Residential Use.** On a zoning lot not occupied by a residential use, 1 banner, not to exceed 32 square feet and a height of 7 feet, shall be permitted. A zoning lot fronting 2 or more major arterial or collector roads shall be permitted such signage along each such road. Display of each banner shall be limited to 60 consecutive days. Display of such banners on each lot shall be limited to 120 days within any calendar year.
3. **Commercial Signs on Vacant Zoning Lot.** On a vacant zoning lot, 1 sign, not to exceed 16 square feet and 10 feet in height, shall be permitted. 1 additional such sign for each 500 linear feet of road frontage in excess of 1000 feet shall be permitted. A zoning lot fronting 2 or more major arterial or collector roads shall be permitted such signage along each road. Signs shall be removed at such time that the activity which it advertises ceases.
4. **Noncommercial Signs on Vacant Zoning Lot.** On a vacant zoning lot, 1 sign, not to exceed 16 square feet and 10 feet in height, shall be permitted. 1 additional such sign for each 500 linear feet of road frontage in excess of 1000 feet shall be permitted. A zoning lot fronting 2 or more major arterial or collector roads shall be permitted such signage along each road. Display of each sign shall be limited to 120 consecutive days. Display of such signs on each lot shall be limited to 120 days within any calendar year.
5. **Off-Site Signs for Commercial Use of Limited Duration.** 6 off-site signs, each not to exceed 6 square feet and 4 feet in height, shall be permitted for a commercial use lasting for 3 or fewer days on an R, R-TH, R-MF or MH property, or on A property designated on the comprehensive plan for other than nonresidential use. Only 1 such sign shall be displayed on a zoning lot.

Display of signs shall be limited to 48 hours prior to commencement, and 48 hours after cessation, of the use or activity advertised.

6. **Commercial Sign at Residential Community Entrance.** At the entrance to a residential development, consisting of a lot subdivision or residential multifamily project, in which less than 90% of dwelling units have been developed and an occupancy permit issued, 1 sign advertising for the ongoing commercial activity within the development shall be permitted for each arterial or collector road entrance into the community. Each sign shall be limited to 32 square feet, provided that the sign area may be increased by 1 square foot for each dwelling unit in excess of 320, but in no case shall a sign exceed 100 square feet. In a development having multiple neighborhoods not generally connected by local roads, 1 sign, not to exceed 12 square feet and 7 feet in height at each neighborhood entrance from an internal arterial, collector or residential collector road shall be permitted provided less than 90% of dwelling units served by such entrance have been developed and an occupancy permit issued.

(Ordinance of 7-24-19)

Sec. 19.1-279. Outdoor Advertising Signs

- A. **Nonconformity.** Existing legally nonconforming outdoor advertising signs in existence prior to July 24, 2019 remain nonconforming under this ordinance and are subject to the nonconformity provisions under this chapter and the Code of Virginia. However, an outdoor advertising sign located within a designated Sign Modernization Area (SMA) shall be considered to be conforming provided that such sign complies with this chapter.
- B. **Limitation on Number of Outdoor Advertising Signs.** The total number of outdoor advertising sign structures permitted under this ordinance shall be 81 determined by the number of such signs existing as of July 24, 2019. The number of outdoor advertising signs shall in no case exceed this cap. The director of planning shall maintain a database of all outdoor advertising signs including the owners of such signs. The intention of this section is to encourage owners to demolish existing nonconforming outdoor advertising signs and construct new, modern outdoor advertising signs, in designated SMAs, which will result in more attractive signage throughout the County.
- C. **Sign Modernization Areas.** An SMA includes any parcel of real property that is zoned C-3, C-4, C-5, I-1, I-2, or I-3, and is located along and visible from the main traveled way of designated roads, or portion thereof, as provided in table 19.1-279.C. Any designated SMA shall be identified on the zoning map and such area shall allow for new outdoor advertising signs and for existing outdoor advertising signs to become conforming in accordance with this chapter. Each SMA is based upon the designated road the sign would face and from which it is intended to be viewed and the boundaries established along such road within which signs are to be located.
- D. **Ordinance Subject to Expiration.** In additions to the provisions of 19.1-270, it is the intention of this section that outdoor advertising signs be modernized and improved through provided standards to enhance overall attractiveness of signage in the county. To that end the provisions of this section shall no longer be effective, and outdoor advertising signs no longer permitted, unless a minimum of 25 outdoor advertising signs located in SMAs on Route 1,10,60 and 360 are modernized or replaced to be in compliance with this section prior to July 24, 2023. Any sign

modernized, or new sign installed, in accordance with this section shall be considered legally conforming and continue to be subject to its provisions, legally nonconforming signs in existence prior to adoption of this ordinance remain subject to the nonconformity provisions under this chapter and the Code of Virginia.

Table 19.1-279.C. Sign Modernization Areas.

Road Sign Facing	SMA Boundary	Maximum Number of Signs per SMA ^[1]
1. Rt. 150	a. Midlothian Tnpk. To Rt. 360	2
	b. Rt. 1 to I-95	2
2. Rt. 60	a. Rt. 150 to Providence Rd.	5
	b. Providence Rd. to Rt. 76	5
	c. Rt. 76 to Courthouse Rd.	5
3. Rt. 360	a. Rt. 150 to Turner Rd.	5
	b. Pocoshock Creek to Oxbridge Rd	3
	c. Courthouse Rd. to Price Club Blvd.	1
	d. Price Club Blvd. to Rt. 288.	5
	e. Skinquarter Rd to Magnolia Green Parkway	1
	f. Magnolia Green Parkway to Amelia County line	5
4. River Road/Chesterfield Ave.	a. Granger St to Hickory Rd	2
5. Route 1	a. Richmond City line to Bellwood Rd	4
	b. Willis Road to Rt. 288	4
	c. Weir Rd. to Old Bermuda Hundred Rd.	2
	d. Ashton Creek to Colonial Heights City line	8
6. Route 10	a. Rt. 1 to Ware Bottom Spring Rd.	4
	b. I-295 to Hopewell City Line	6
7. Route 288	a. Hull Street Road to Rt. 76	1
	b. I-95 to Chester Rd.	1
8. Interstate 95	a. Richmond City line to Colonial Heights City line	20
9. Interstate 295	a. South from Meadowville Rd. interchange to Enon Church Road	2
Total Potential Locations	--	93 ^[2]

[1] Number shown is the maximum number of signs permitted in the SMA.

[2] The overall total for signs permitted within designated areas exceeds that permitted for outdoor advertising signs within the county, this is intended to permit flexibility in relocation of current sign inventory but does not increase number of such signs to be permitted in the county. In no case shall the provided number of signs per SMA or the overall density cap of 81 outdoor advertising signs countywide be exceeded.

E. Outdoor Advertising Signs Generally. A new outdoor advertising sign shall not be permitted except as follows:

1. Sign is located within a SMA;
2. Sign is freestanding and additionally not located on a wall or fence;
3. The sign is not a double-stacked sign, a side by sign, or abut another sign. However, nothing herein shall be construed to prohibit a double-faced sign, meaning sign faces may be generally back to back and parallel to each other. The director of planning may approve a double-faced

sign to be constructed at an angle so as to allow visibility of the sign face from the main traveled way of the road,

4. Excluding Rt. 150 and Interstates 95 and 295, sign complies with freestanding sign design requirements and shall be constructed either as a monument sign or cladded pole sign and further complies with other specific sign design provisions of area in which located. Sign facing Rt 150, and Interstates 95 and 295 not complying with freestanding sign design requirements shall be a monopole steel structure.
5. Any new outdoor advertising sign is the result of the owner of such sign demolishing one existing outdoor sign and the placement of the new sign in a permitted location within a SMA. Existing sign located within a designated SMA may be modified provided that it complies with this section.
6. Sign is setback as follows:
 - a. 300 feet from property zoned for single family or townhouse use along same side of road;
 - b. 500 feet from Special Design District boundaries, County owned or operated parks or schools and any entrances to R, R-TH, R-MF and MH Districts along same side of road;
 - c. 100 feet from exit or entrance ramp of a limited access road or interstate;
 - d. 1000 feet from any other outdoor advertising sign along the same side with the exception that along Rt. 150 and Interstates 95 and 295 such separation may be 500 feet;
 - e. Except along Interstates 95 and 295, maximum of 100 feet from roadway which it faces and from which it is designed to be legible. For interstates 95 and 295 the maximum setback shall be 150 feet.
7. Sign does not overhang any right-of-way, property line, building or structure other than a fence where permitted through permit review;
8. Sign structure along Interstates 95 and 295 shall not exceed 40 feet in height. Sign structures along any other public road shall not exceed 25 feet in height. The director of planning may approve an increase in height of not more than 10 feet to avoid conflict with existing signage;
9. Notwithstanding the requirements for freestanding signs outlined in Table 19.1-276 B.1, the size of any outdoor advertising sign face shall not exceed the following:
 - a. 672 square feet along Route 150 and Interstates 95 and 295.
 - b. 400 square feet along Route 60, 288 and 360.
 - c. 300 square feet along other roads.
10. Artistic embellishments may be added to a conforming outdoor advertising sign provided such embellishments do not exceed 10 percent of the permitted sign area and do not extend further than 5 feet from sign structure.

11. Sign shall be considered an on-premises sign and subject to applicable regulations if located on same property as the specific use or activity advertised.

12. The owner of any EMC outdoor advertising sign shall provide to Chesterfield County a 10 second message per minute on such sign.

Sec. 19.1-280. through 19.1-299. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	2	Date of Adoption (all sections Reserved)	94290.2
9/16/2015	3	Signs & Associated Fees	94962.1 & 95067.1
12/16/2015	4	Public Hearing/Meeting Deferral Fees & Sign Permit Requirements & Related Fee	95415.1
10/26/2016	5	Bikeways	96806.3
	6-9	Versions not used	
7/24/2019	10	Sign Standards	115607.1
	11	Version not used	
6/24/2020	12	EMC Sign Resolution, Changeable Copy and Recreational Facility Signs	116648.1

**DIVISION 7. DEVELOPMENT STANDARDS GENERALLY
RESIDENTIAL, TOWNHOUSE RESIDENTIAL, MULTIFAMILY
RESIDENTIAL, MANUFACTURED HOME AND AGRICULTURAL
DISTRICTS**

Sec. 19.1-300. Generally.

A. **Frontage and Access.** The following requirements and restrictions apply:

1. Unless otherwise specified, single family dwellings shall be located on a lot which adjoins a Virginia Department of Transportation primary or secondary road.
2. Lots in R, R-TH or MH-2 Districts created for residential purposes after April 28, 2010 which are less than 5 acres, except for family subdivisions pursuant to Chapter 17, shall not front arterial, collector or limited access streets unless approved pursuant to Chapter 17.
3. Access to an arterial, collector or residential collector roads shall not be permitted unless approved by the director of transportation.

B. **Limitation on Single Family Dwellings per Lot.** Unless otherwise permitted, there shall be a maximum of 1 single family dwelling per lot.

Sec. 19.1-301. Fences, Retaining Walls and Visual Obstructions in R, R-TH , R-MF and MH Districts.

- A. **Wall and Fence Materials.** Except where otherwise specified, fences or walls shall be constructed of materials designed and marketed as materials for such use. No fence or wall shall be constructed of razor or barbed wire, debris, junk, plywood, rolled or sheet plastic, waste materials or similar materials.
- B. **Maintenance.** All fences, walls and, where required, landscaping visible from roads shall be maintained in good repair, a healthy condition for landscaping and in compliance with required conditions.
- C. **Fences and Walls Height.** Except where otherwise specified a fence or wall, to include posts or supporting structures, shall not exceed the following height limitations:
1. Front yards: 4 feet; and
 2. Rear and side yards: 7 feet.
 3. Corner side yard:

- a. 4 feet; or
- b. 7 feet, provided the fence or wall meets the required corner side yard setback for a principal structure, does not extend towards the front of the dwelling beyond the rear façade and incorporates a minimum of two (2) design elements listed herein. Such elements shall be continued for entire length of fence or wall facing a road:
 - Decorative fencing such as rot resistant wood, vinyl, wrought iron, or other decorative metal fencing materials.
 - Fencing has decorative features such as shadow box, scallops or other design as approved by director of planning.
 - Wall is constructed of, or fence incorporates, quality materials such as brick, stone, masonry materials or durable products intended to have appearance of such materials;
 - Side of the fence or wall facing a road and adjacent properties has a decorative appearance or does not have support structures or framing; or
 - Supplemental landscaping. Along exterior of fence adjacent to road, minimum of 1 medium shrub every 5 feet and 1 tree every 30 feet. Plantings and materials shall comply with Sec. 19.1-250.

D. Fencing for Recreational Uses.

1. **Residential Lots.** For residential lots having a private recreational use such as tennis, basketball, or similar sports, netting, made of nylon mesh or similar material, may be permitted up to a height of 10 feet adjacent to the use. Netting and support structures shall meet the accessory structure setback for the district.
2. **Neighborhood Recreational Facilities.** For neighborhood recreational facilities located on open space, tennis courts, basketball courts or similar uses may have non-opaque fencing up to 10 feet in height directly adjacent to such courts. Such fencing shall consist of vinyl coated chain link or similar quality low maintenance material. Fencing shall comply with setback requirements for the use enclosed.

E. Retaining Walls.

1. **Appearance, Height, Setbacks and Landscaping.** Retaining walls shall meet the following requirements:
 - a. **Appearance.** Retaining walls shall be compatible with the principal building on the lot, or if the use is in open space where there is not a building on the lot, then the walls should be compatible with the principal structure or common materials within the principal buildings within the development. Compatibility shall be accomplished with use of integrated color block, other material similar in appearance to that of the principal structure, or an earth tone color acceptable to the director of planning.
 - b. **Height.** Except as provided herein, retaining walls shall comply with the height requirements of 19.1-301.A. In a rear yard, where the director of planning determines that the visibility or impact of such wall on adjacent properties will be minimized due to location, orientation, or other factors, the height of a retaining wall may be permitted to

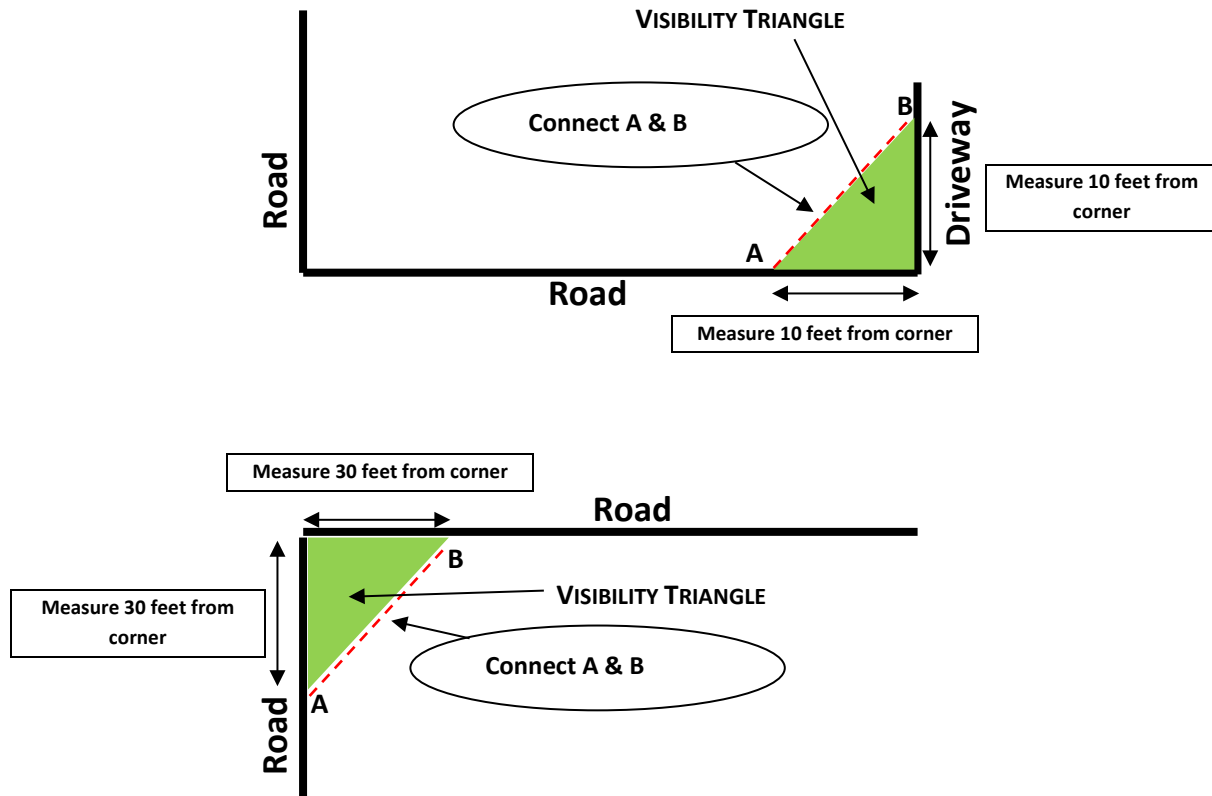
- exceed the permitted height, but in no case shall exceed 10 feet. Where permitted to exceed the required height, such wall shall meet the applicable yard setback for a principal structure.
- c. **Multiple walls.** For the purpose of determining height, where multiple retaining walls are built within a yard, walls that serve to change the topography of the lot within such yard shall be considered one wall where such walls are not separated by a distance of 10 feet.
 - d. **Landscaping for Walls Seven Feet or Greater in Height.** If the wall is 7 feet or greater in height and is facing an adjacent property or road, plantings including a variety of evergreen trees and shrubs shall be planted along the base of the wall to break up the visual impact. Landscaping shall be located in a landscaped area a minimum of 10 feet in width that is free from easements, overhead or underground utilities, or other encumbrances that might prevent the installation of required landscaping. A landscape plan shall accompany application for such walls and be subject to approval by the director of planning.
2. **Retaining Wall Integral Elements within Property Bounds.** Except as specified herein, retaining walls, to include support structures and materials that are integral to the wall such as geotextiles or similar materials, shall be located within the bounds of a single lot, or recorded open space where applicable, and be the maintenance responsibility of the owner unless an easement is established for maintenance by an entity, other than the lot owner, such as a homeowner's association. Where retaining walls cross lot lines, such walls shall be located within an easement dedicated to the property homeowners' association, and be of sufficient width to encompass wall, support structures and materials. The easement shall provide for wall maintenance. If within an easement it shall be identified on the record plat as well as site or construction plans for such development. Where retaining wall is maintained by entity other than the lot owner, notice shall be provided to the lot owner by the entity providing such maintenance of actions such as digging or excavating that may affect wall structural integrity.
 3. **Safety Measures.** For retaining walls having a height of 4 feet or greater, a non-opaque 3 to 4 foot in height fence, shall be installed on the upper side of the wall. If visible from road or adjacent property, the fence shall have a decorative design. Safety measures shall be incorporated between the fence and parking areas to create a physical impediment to a vehicle reaching the edge of the wall.

F. Visual Obstructions.

1. **Corner Lot.** Structures or plantings which might obstruct vision between a height of 2feet and a height of 8 feet above the established curb grade shall not be permitted within 30 feet in either direction from the corner.
2. **Intersections of Drive with Road.** At the intersection of a drive with a road, structures or plantings shall not be permitted which might obstruct visibility between a height of 2feet and 8 feet above the elevation of a driveway that is perpendicular, and adjacent to, the structure

or planting within the visibility triangle. The visibility triangle is determined by measuring in two directions from the intersection of the road and the drive: 10 feet landward from the road and 10 feet parallel to the road, and then connecting the 2 points with a straight line.

Figure: Visual Obstructions



(Ordinance of 6-26-19)

Sec. 19.1-302. Architectural Standards in Special Design Districts for Nonresidential Structures in R, R-TH, R-MF and A Districts.

Nonresidential buildings and structures shall comply with the architectural standards of the applicable Special Design District for O, C and I Districts.

Sec. 19.1-303. Homeowners' Associations.

- A. **Requirement.** In a lot subdivision, a homeowners' association shall be required when there is to be commonly held property including, but not limited to, easements, private pavement, open space or private utilities.
- B. **Documentation and Contents.** In conjunction with submission of a final plat for a subdivision requiring the formation of a homeowners' association, the subdivider shall submit the proposed articles of incorporation, bylaws and restrictive covenants to the director of planning and county

attorney's office for review and approval. A copy of the documents shall also be submitted to the director of utilities for review and approval to address ownership and maintenance responsibilities for any privately owned utilities.

At minimum, the following elements shall be incorporated into the required documents:

- The restrictive covenants shall include the responsibility of the association, or the subdivider until such time as ownership is transferred to the homeowners' association, for ownership and maintenance of commonly held property, and easements containing private pavement, pedestrian access ways, sidewalks that are not maintained by the county or VDOT, and retaining walls requiring building permit approval;
- The responsibility of the association, or the subdivider, until such time as ownership is transferred to the homeowners' association, to collect sufficient dues to cover the cost of taxes, and repairs, maintenance or replacement of facilities located on commonly held property, and to pay taxes;
- The inability of the association to dissolve or dispose of real property without prior written approval from the director of planning; and
- The following statement: "Any property conveyed to the County of Chesterfield or to the Commonwealth of Virginia for roads or other public use shall not be subject to easements, covenants, conditions, restrictions or obligations created herein and any such easements, covenants, conditions, restrictions or obligations established herein shall be subordinate to any easements or other property rights existing or hereinafter conveyed to the County of Chesterfield or the Commonwealth of Virginia. This requirement cannot be deleted or amended without the prior written approval of the director of planning."

F. **Subdivider Funding and Maintenance.** The subdivider shall be responsible for the maintenance and financial obligations of the homeowners' association until such time as the operation of the association, as specified in the restrictive covenants, is controlled by the residents of the subdivision.

G. **Recordation.** The final plat shall indicate the maintenance responsibility of the homeowners' association. Prior to recordation of the final plat, the approved articles of incorporation shall be filed with the Virginia State Corporation Commission. The approved articles of incorporation, bylaws and restrictive covenants shall be recorded no later than recordation of the final plat.

Sec. 19.1-304. Accessory Building Requirements in R, R-TH, R-MF, MH-2, MH-3 and A Districts.**A. R, MH-2 and MH-3 Districts.**

1. **Size Limitation.** In R and MH-2 Districts, the gross square footage of all accessory buildings on a lot shall not exceed the gross square footage of the primary dwelling, excluding any basement.
2. **Height Limitations.** In R and MH Districts, except as outlined in Section 19.1-223, the height of an accessory building shall not exceed the greater of one-half the height of the principal building, or 25 feet.
3. **Setbacks.** In R, MH-2 and MH-3, except as outlined in Section 19.1-223, setbacks for an accessory building shall be as shown in Tables 19.1-304.A.3.a., 19.1-304.A.3.b. and 19.1-304.A.3.c.

Table 19.1-304.A.3.a. R, MH-2 and MH-3 Districts. Accessory building less than 12 feet in height and less than 1000 gross square feet in area, or detached structure with a floor elevation of 1 foot or more above ground elevation

District	Yard and Setback (feet) ^[1]				
	Interior Side	Corner Side	Rear Non Through Lot ^[2]	Rear Through Lot	Front
R-88	20	75	10	30	Lesser of 1/2 the average depth of the lot or 80 feet
R-40	10	60			
R-25	7.5	50			
R-15 Recorded on or prior to 12/11/1945	5	40			
R-15 Recorded after 12/11/1945	7.5	40			
R-12	5	35			
R-C	5	35			
R-9	3.75	30			
R-7 Recorded on or prior to 12/11/1945	2.5	30			
R-7 Recorded after 12/11/1945	3.75	30			
MH-2	3.75	30			
MH-3 ^[3]	5	20	5	20	20

Notes for Table 19.1-304.A.3.a.

[1] Eaves may encroach 3 feet into required setback.

[2] Setbacks from a buffer required by Sec. 19.1-263.B. which encroach into or abuts a lot shall be 5 feet.

[3] Setbacks in MH-3 Districts are for individual pad sites.

Table 19.1-304.A.3.b. R, MH-2 and MH-3 Districts. Accessory building 12 feet or more in height and less than 1000 gross square feet in area; or detached structure 12 feet or more in height

District	Yard and Setback (feet) ^[1]				
	Interior Side	Corner Side	Rear Non Through Lot ^[2]	Rear Through Lot	Front
R-88	40	75	25	30	Lesser of 1/2 the average depth of the lot or 80 feet
R-40	40	60	25		
R-25	15	50	20		
R-15 Recorded on or prior to 12/11/1945	10	40	12.5		
R-15 Recorded after 12/11/1945	15	40	12.5		
R-12	10	35	12.5		
R-C	10	35	12.5		
R-9	7.5	30	12.5		
R-7 Recorded on or prior to 12/11/1945	5	30	12.5		
R-7 Recorded after 12/11/1945	7.5	30	12.5		
MH-2	7.5	30	15	20	20
MH-3 ^[3]	5	20	5		

Notes for Table 19.1-304.A.3.b.

- [1] Eaves may encroach 3 feet into required setback.
 [2] Setbacks from a buffer required by Sec. 19.1-263.B. which encroach into or abuts a lot shall be 5 feet.
 [3] Setbacks in MH-3 districts are for individual pad sites.

Table 19.1-304.A.3.c. R, MH-2 and MH-3 Districts. Accessory building 1000 gross square feet or greater in area

District	Yard and Setback (feet) ^[1]				
	Interior Side	Corner Side	Rear Non Through Lot ^[2]	Rear Through Lot	Front
R-88	40	75	50	30	Lesser of 1/2 the average depth of the lot or 80 feet
R-40	20	60	50		
R-25	15	50	40		
R-15 Recorded on or prior to 12/11/1945	10	40	25		
R-15 Recorded after 12/11/1945	15	40	25		
R-12	10	35	25		
R-C	10	35	25		
R-9	7.5	30	25		
R-7 Recorded on or prior to 12/11/1945	5	30	25		
R-7 Recorded after 12/11/1945	7.5	30	25		
MH-2	7.5	30	30		
MH-3 ^[3]	5	20	5	20	20

Notes for Table 19.1-304.A.3.c.

[1] Eaves may encroach 3 feet into required setback.

[2] Setbacks from a buffer required by Sec. 19.1-263.B. which encroach into or abuts a lot shall be 5 feet.

[3] Setbacks in MH-3 districts are for individual pad sites.

B. R-TH Districts.

1. **Size Limitations.** Except for private garages, accessory buildings shall not cover more than a collective total of:
 - 225 square feet on a lot recorded on or after 11/13/1985 and which did not have a valid preliminary plat approved originally prior to 11/13/1985; or
 - 100 square feet on a lot recorded prior to 11/13/1985 or a lot which had preliminary plat approval originally on or before 11/13/1985, and such plat has been properly renewed.
2. **Height Limitations.** Except as outlined in Section 19.1-223, the height of an accessory building shall not exceed the greater of one-half the height of the principal building or 25 feet.
3. **Setbacks.** Except as outlined in Section 19.1-223, setbacks for accessory buildings shall be as shown in Table 19.1-304.B.3.

Table 19.1-304.B.3. R-TH District. Accessory building or detached structure with a floor elevation of 1 foot or more above ground elevation

Recordation Date	Number of Attached Lots in Row	Yard and Setback (feet) ^[1]						
		Major Arterial All Yards	Interior Side	End Unit, Non Corner Side	Corner Side	Rear Non Through Lot	Rear Through Lot	Front
Lot recorded on or after 11/13/1985 and which did not have a valid preliminary plat approved originally prior to 11/13/1985 ^{[2][3]}	Less than 5	50	0 ^[4]	10	25	0	20	20
	5 or more	50	0 ^[4]	15	25	0	20	20
Lot recorded prior to 11/13/1985 or a lot which had preliminary plat approval originally on, or before, 11/13/1985 and such plat has been properly renewed		50	0	5 ^[5]	25	10 ^{[6][7]}	30	Lesser of 1/2 the average depth of the lot or 80 feet

Notes for Table 19.1-304.B.3.

- [1] Eaves may encroach 3 feet into required setback.
- [2] Windows, doors or other similar openings shall not be permitted above the lesser of 1 story or 10 feet.
- [3] A privacy yard having a minimum size of 10 by 25 feet shall be maintained.
- [4] To ensure adequate usable open space on each lot, 1 wall of the accessory building shall abut an interior side property line and maintain a solid wall without windows, doors or other similar openings adjoining the interior side property line.
- [5] Detached accessory building 12 feet or more in height shall meet a setback of 10 feet.
- [6] Setbacks from a buffer required by Sec. 19.1-263.B. which encroach into or abuts a lot shall be 5 feet.
- [7] Detached accessory building 12 feet or more in height shall meet a setback of 12.5 feet.

C. R-MF Districts.

1. **Size Limitation.** Except for a private garage, or a recreation, maintenance or management building, an accessory building shall not cover more than 100 square feet.
2. **Height.** Except as provided in Section 19.1-223, the height of an accessory building or structure in an R-MF district shall not exceed the greater of 1/2 the height of the principal building, or 25 feet.
3. **Setbacks.** Except as outlined in Section 19.1-223, setbacks for an accessory building shall be as shown in the Table 19.1-304.C.3.

Table 19.1-304.C.3. R-MF District. Accessory building or detached structure with a floor elevation of 1 foot or more above ground elevation

Feature		Setback (feet) ^[1]
Project Property Lines	Adjacent to R-MF	30
	Adjacent to other than R-MF	50
Right-of-Way		50
Interior Private Drives		25
Parking Areas		15
Distance from any other building		30

Notes for Table 19.1-304.C.3.

[1] Eaves may encroach 3 feet into required setback.

D. A Districts.

1. **Height.** Except as outlined in Section 19.1-223, accessory building and structure height in an A district shall be limited as follows:
 - a. Farm buildings and structures shall be limited to 50 feet; and
 - b. Other buildings and structures shall be limited to the greater of 1/2 the height of the principal building, or 25 feet.
2. **Setbacks.** Except as outlined in Section 19.1-223, setbacks for an accessory building shall be as shown in Tables 19.1-304.D.2.a. and 19.1-304.D.2.b.

Table 19.1-304.D.2.a. A District. Accessory building less than 12 feet in height; or detached structure with a floor elevation of one foot or more above ground elevation

Recordation Date	Yard and Setback (feet) ^[1]				
	Interior Side	Corner Side	Rear Non Through Lot	Rear Through Lot	Front
Lot recorded on or after 2/28/2001	20	150	10	30	Lesser of 1/2 the average depth of the lot or 80 feet
Lot recorded on or after 5/26/1988, but prior to 2/28/2001	20	150			
Lot recorded prior to 5/26/1988	7.5	^[2]			

Notes for Table 19.1-304.D.2.a.

[1] Eaves may encroach 3 feet into required setback

[2] A 40 foot corner side yard setback shall be required for a lot which had a principal building existing prior to 6/23/1993. A 100 foot corner side yard setback shall be required for a lot which had a principal building constructed on or after 6/23/1993.

Table 19.1-304.D.2.b. A District. Detached accessory building 12 feet or more in height or detached structure 12 feet or more in height

Recordation Date	Yard and setback (feet) ^[1]				
	Interior Side	Corner Side	Rear Non Through Lot	Rear Through Lot	Front
Lot recorded on or after 2/28/2001	40	150	25	30	Lesser of 1/2 the average depth of the lot or 80 feet
Lot recorded on, or after 5/26/1988, but before 2/28/2001	40	150 ^[2]	25		
Lots recorded prior to 5/26/1988 and on or after 12/11/1945	15	^[2] [3]	12.5		
Lot recorded prior to 12/11/1945	10	^[2] [3]	12.5		

Notes for Table 19.1-304.D.2.b.

[1] Eaves may encroach 3 feet into required setback.

[2] For a lot created prior to 6/23/1993 which has a principal building constructed prior to 6/23/1993, having a setback less than 150 feet, the accessory structure setback shall be at least the same as the principal building, but in no case less than 40 feet.

[3] For a lot which had a principal building constructed on or after 6/23/1993, a 150 foot corner side yard setback shall be required.

(Ordinance of 10-26-16)

Sec. 19.1-305. Swimming Pools in R, MH-2, MH-3 and A Districts.

Detached swimming pools and adjoining decks shall conform to the front and corner side yard accessory building setback requirements for the district in which located. Adjoining decks with a floor elevation of one foot or more above ground elevation and pool walls shall be located at least 6 feet from the property line.

Sec. 19.1-306. Lot Area Reduction in R Districts for Bikeways, Buffers and Tree Canopy Preservation.

In R Districts required lot area may be reduced in accordance with this section. In no case shall the lot area reductions provided in this section be combined so as to have a lot area reduction of more than 20 percent.

1. **Bikeways and Buffers.** In R Districts, the required lot area may be reduced by 20 percent when the lot shares a common boundary with one of the following:
 - a. a bikeway required by Sec. 19.1-208. constructed in conjunction with the development of the affected lot, and right-of-way in excess of the ultimate right-of-way is dedicated free and unrestricted, to and for Chesterfield County, to accommodate the facility;
 - b. a bikeway required by Sec. 19.1-208. constructed in conjunction with the development of the affected lot, and land is dedicated fee simple, to and for Chesterfield County, to accommodate the facility; or
 - c. a buffer required by Sec. 19.1-263.B.1 and the buffer is located in common area.

The length of the common boundary shall be at least the minimum lot width required for the district. Lot lines shall not be arbitrarily manipulated, as determined by the planning department, to obtain the required minimum lot width at the common boundary. In an R-88 District, the minimum lot area for the district shall be based upon requirements of Table 19.1-61.A. Note 1.

2. **Upper Swift Creek Tree Canopy Preservation.** In R districts within the Upper Swift Creek Watershed, the required lot area may be reduced by 20 percent when the lot shares a common boundary with one of the following:
 - a. designated tree canopy preservation area located in a continuous unbroken open space having a minimum of 30 feet in width and 0.5 acres in area that excludes wetlands, resource protection areas or stormwater infrastructure. The preservation area shall not include easements provided that easements less than 20 feet in width which run generally perpendicular through the preservation area may be permitted at time of plan review; or
 - b. designated tree canopy preservation area located in continuous unbroken open space which includes primarily Resource Protection Area.

Tree canopy preservation or replacement areas utilized for lot area credit shall be designated on the record plat and be in accordance with provisions Sec.19.1-545. The length of the common boundary shall be at least 50 contiguous feet. Lot lines shall not be arbitrarily manipulated, as determined by the planning department, to obtain the required minimum width at the common boundary. In an R-88 District, the minimum lot area for the district shall be based upon requirements of Table 19.1-61.A. Note 1. In no case shall number of lots in subdivision exceed the permitted density as determined by the comprehensive plan or condition of zoning approval.

(Ordinance of 10-26-16; 1-22-20)

Sec. 19.1-307. through 19.1-314. Reserved.

(Ordinance of 10-26-16)

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	2	Date of Adoption	94291.2
10/26/2016	3	Bikeways	96806.3
	4,5	Versions not used	
6/26/2018	6	Residential Fences and Walls (19.1-301)	114452.1
1/22/20	7	Upper Swift Creek Tree Preservation	115976.1
	8	Version not used	
1/22/20	9	Upper Swift Creek Tree Preservation	115976.1

DIVISION 8. DEVELOPMENT STANDARDS GENERALLY OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS

Sec. 19.1-315. Areas of Applicability.

The standards of this division shall apply to all properties zoned O, C or I and are in addition to those for the specific design district in which the property is located.

Sec. 19.1-316. Setbacks--Generally.

- A. **Exceptions along Major Arterials.** The following setback exceptions from major arterials shall be permitted:
1. **Buildings.** If existing principal buildings are located within the same block and within 200 feet on both sides of a proposed principal building, the required setback for the proposed building shall be the average of the setbacks of the existing principal buildings. If there is only one principal building within the same block and within 200 feet of a proposed principal building, the required setback for the proposed building shall be the average of the setback of the existing building and the required setback of the district, except that in no case shall the setback be less than 15 feet. When averaging setbacks, an existing building that encroaches into the ultimate right-of-way shall be considered to have a setback of zero.
 2. **Parking.** The setback for parking may be calculated in the same fashion as buildings, but using existing parking, or existing parking and required setbacks to average. When averaging setbacks, existing parking that encroaches into the ultimate right-of-way shall be considered to have a setback of zero.
- B. **Adjacent to Railroads.** Setbacks shall not be required adjacent to railroads.
- C. **Adjacent to Navigable Waterways.** Except as required by the floodplain management, Chesapeake Bay and the Upper Swift Creek watershed regulations, setbacks shall not be required adjacent to navigable waterways for uses dependent upon the waterways.
- D. **Adjacent to R, R-TH, MH, R-MF and A Property Occupied by, or Zoned for, Nonresidential or Nonagricultural Uses.** If an O, C or I property is adjacent to an R, R-TH, MH, R-MF or A property occupied by, or zoned for, a nonresidential or nonagricultural use without a condition limiting the time for which the use is permitted, the property shall be subject to the standards specified by this chapter for property adjacent to O, C or I property.
- E. **Outdoor Recreational Playfields, Grounds and Facilities.** Except where otherwise provided, outdoor recreational playfields, grounds and facilities and associated fences or enclosures shall conform to the required front and corner side setbacks for the district in which located.

Sec. 19.1-317. Architectural Treatment in O, C and I Districts.

- A. **Projects.** Prior to site plan approval for a project, a written graphic description of exterior materials, colors, architectural style and building scale shall be submitted for approval so as to establish a consistent architectural treatment for the project. Within projects, architectural treatment of buildings, including materials, color and style, shall be compatible.
- B. **Compatibility.** For the purposes of architectural standards, where compatibility is required, it may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
- C. **Junction and Accessory Boxes.**
 - 1. **O, C, and I-1 Districts.** In O, C, and I-1 Districts, views of junction and accessory boxes visible from adjacent property or roads shall either be integrated into the architectural treatment of the building or their view minimized by landscaping.
 - 2. **I-2 and I-3 Districts.** In I-2 and I-3 Districts, junction and accessory boxes visible from adjacent property excluding other I-2 or I-3 property or from roads that accommodate through traffic movements shall either be integrated into the architectural treatment of the building or their view minimized by landscaping.
- D. **Mechanical Equipment.**
 - 1. **O, C, and I-1 Districts.** In O, C, and I-1 Districts, mechanical equipment, whether ground-level or rooftop, visible from adjacent property or roads shall either be integrated into the architectural treatment of the building or screened from view.
 - 2. **I-2 and I-3 Districts.** In I-2 and I-3 Districts, mechanical equipment visible from adjacent property excluding adjacent I-2 or I-3 property, or roads that accommodate through traffic movements shall either be integrated into the architectural treatment of the building or screened from view.

Sec. 19.1-318. View of Loading Areas.

- A. **Screening of View.** Loading areas shall be screened in accordance with Section 19.1-261 from view of:
- adjacent property on which such uses are not permitted;
 - property in an A District designated on the comprehensive plan for a district in which loading areas are not permitted;
 - in Employment Center Districts, from roads and buildings adjacent to limited access roads and shall be oriented such that loading areas are located internally by building orientation and site design; and
 - in all other districts, from roads, not including limited access roads and roads in I-2 and I-3 Districts which do not, or are not intended to, accommodate through traffic movements.
- B. **Minimize View.** Except as provided for Employment Center Districts, view of loading areas shall be minimized from limited access roads through site and architectural design, topography, landscaping, setbacks or other features.

Sec. 19.1-319. View of Outside Storage.

- A. **Employment Center Districts.** In Employment Center Districts, outdoor storage shall be screened from view from adjacent property and roads. Screening shall be accomplished by building design or use of durable architectural walls constructed of comparable materials and design to that of the building.
- B. **All Other Areas.** In all other areas, outside storage shall conform to the following:
1. **Screening of View.** Except where otherwise provided, outside storage shall be screened from view of:
 - adjacent property on which such uses are not permitted;
 - Agricultural (A) property designated on the comprehensive plan for a district in which outside storage is not permitted; and
 - roads, excluding limited access roads and roads in I-2 and I-3 Districts which do not, or are not intended to, accommodate through traffic movements.
 2. **Minimize View.** The view of outside storage shall be minimized from limited access roads through site and architectural design, topography, landscaping, setbacks or other features.

Sec. 19.1-320. Retaining Walls in O, C and I Districts.

- A. **Appearance, Setbacks and Landscaping.** Unless the director of planning determines that the visibility or impact will be minimized due to location, orientation, or other factors, retaining walls shall meet the following requirements:
1. **Appearance.** Retaining walls shall be compatible with the principal structure in the project as well as buildings within the view shed in which the wall is located. Compatibility shall be accomplished with use of integrated color block, other material similar in appearance to that of the principal structure, or an earth tone color acceptable to the director of planning.
 2. **Setbacks.** Walls shall conform to parking setback requirements for the district in which located; however, the setback shall be increased where necessary to accommodate additional required landscaping described in 3. below.
 3. **Landscaping for Walls exceeding 10 feet in Height and within 50 feet of Adjacent Property or Road.** If the wall exceeds 10 feet in height and is within 50 feet of, and facing an adjacent property or road, in addition to required perimeter yard landscaping, additional evergreen trees shall be planted at the base of the wall to break up the visual impact. Landscaping shall be located in a minimum 10 foot wide landscaped area that is free from easements, overhead or underground utilities, or other encumbrances that might prevent the installation of required landscaping.
- B. **Safety Barriers.** For retaining walls having a height of 4 feet or greater, a 4 foot high fence shall be installed on the upper side of the wall. If visible to the public, the fence shall have a decorative design. A minimum of one of the following measures shall be incorporated between the fence and parking areas unless there is some other physical impediment to a vehicle reaching the edge of the wall:
- guardrails;
 - earth berms at least 3 feet high above grade on the approach side; or
 - concrete filled steel bollards spaced 4.5 feet on center.

Sec. 19.1-321. through 19.1-339. Reserved.

History of Amendments	
<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94292.1

DIVISION 9. EMERGING GROWTH DESIGN DISTRICT

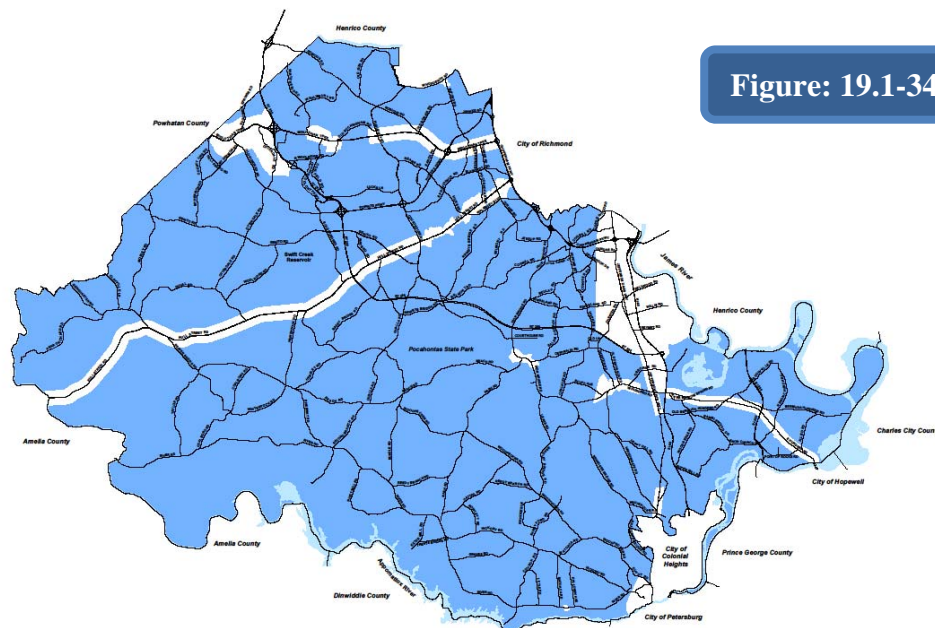
Sec. 19.1-340. Purpose and Intent of Emerging Growth Design District.

The purpose and intent of an Emerging Growth Design District is to:

- provide a high-quality, functional, and well-designed office, business and industrial environment;
- maintain the long-term functioning and adequacy of the major arterial road system by limiting conflict points and access to the system, thereby reducing the need for additional crossovers and traffic signals;
- promote improved pedestrian and vehicular circulation;
- encourage land assembly and the use of land in accordance with the comprehensive plan;
- promote architectural continuity; and
- encourage designs which produce a compatible relationship between individual buildings, the circulation system and adjacent areas.

Sec. 19.1-341. Zoning Districts and Areas of Applicability.

The provisions of this division apply to O, C and I zoned property in Emerging Growth Design District as shown on the zoning maps. The Emerging Growth Design District is generally the area as shaded in Figure 19.1-341.



(Ordinance of 6-22-16; Ordinance of 8-22-18)

Sec. 19.1-342. Required Conditions Emerging Growth Design District.

- A. **Building and Parking.** Buildings and parking in Emerging Growth Design District shall meet the requirements outlined in Tables 19.1-342.A.1 and 19.1-342.A.2:

Table 19.1-342. A.1. O and C Districts Emerging Growth Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C
	b. Adjacent to O, C or I	40/C or 20/B
C. Building Heights (maximum) ^[3]		Lesser of 3 stories or 45 feet ^[4] ^[5]

Notes for Table 19.1-342.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks--Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The setback shall be increased by 1 foot for each foot that the building height exceeds 45 feet.
- [3] Height limits are subject to Article IV, Division 2.
- [4] Subject to Footnote 5, the height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet except that, within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, the height shall not exceed lesser of 3 stories or 50 feet.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, in which case the height may be increased to height of the dwelling up to the maximum permitted height.

**Table 19.1-342. A.2. I-1, I-2 and I-3 Districts Emerging Growth Design District
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] / Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	75/B
	c. Other roads	40/A or 25/C	40/A	40/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]				
1. I-1 District		Lesser of 3 stories or 50 feet ^{[5][6]}		
2. I-2 and I-3 District		150 feet ^{[6][7]}		

Notes for Table 19.1-342.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks--Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The setback shall be increased by 1 foot for each foot that the building height exceeds 45 feet.
- [3] Landscaping not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Subject to Footnotes 6 and 7, the height of offices and hotels may be increased to the lesser of 12 stories or 120 feet.
- [6] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, in which case the height may be increased to height of the dwelling up to the maximum permitted height.
- [7] Within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, the height shall not exceed lesser of 3 stories or 50 feet.

B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-342.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-342.A.1 and A.2.

C. **Other Required Conditions.**

Architecture. In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:

- Facades shall not be constructed of unpainted concrete block, unfinished corrugated metal or unfinished sheet metal;
- Use of different materials on different facades shall be permitted, but inferior materials shall not be used on sides which face adjoining property; and
- Facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not have architectural materials inferior in appearance or detail to any other facade of the same building or be constructed of unadorned concrete block.

(Ordinance of 8-22-18)

Sec. 19.1-343. through 19.1-344. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	
6/22/2016	2	Bon Air Special Design District	96319.3
	3	version not used	
8/22/2018	4	Northern Jefferson Davis Highway Design District	112805.1

DIVISION 10. POST DEVELOPMENT DESIGN DISTRICT

Sec. 19.1-345. Purpose and Intent of Post Development Design District.

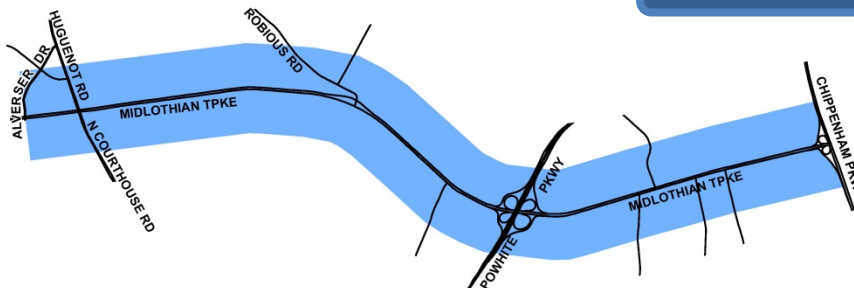
The purpose and intent of a Post Development Design District is to:

- provide flexible design criteria in areas that have already experienced development;
- ensure continuity of development;
- promote renovation and improvement of commercial areas;
- improve compatibility with adjacent residential uses;
- maintain the long-term functioning and adequacy of the major arterial road system by limiting conflict points and access to the system; and
- encourage designs which produce a compatible relationship between individual buildings, the circulation system and adjacent areas.

Sec. 19.1-346. Zoning Districts and Areas of Applicability.

- A. The provisions of this division apply to O, C and I zoned property in Post Development Design District.
- B. The Post Development Design District shall be comprised of the following areas as generally shown on the zoning maps and described as follows:
 1. Midlothian Turnpike, from Chippenham Parkway to Alverser Drive. The width of the district is a minimum of 1,500 feet north and south of the centerline of Midlothian Turnpike, but if any portion of a project extends further than 1,500 feet, the requirements apply to the entire project. The Midlothian Turnpike Post Development Design District is generally the area as shaded in Figure 19.1-346. B.1.;

Figure: 19.1-346.B.1.



2. Jefferson Davis Highway:

- a. Eastern area, from the county line to south line of Proctors Creek, extending east from the center line of Interstate 95 to the James River. The eastern area also includes an area from Proctors Creek to the centerline of Coxendale Road extending east from the center line of Interstate 95 to the boundary of the Emerging Growth District. The eastern Jefferson Davis Highway Post Development Design District is generally the area as shaded in Figure 19.1-346. B.2.a.;

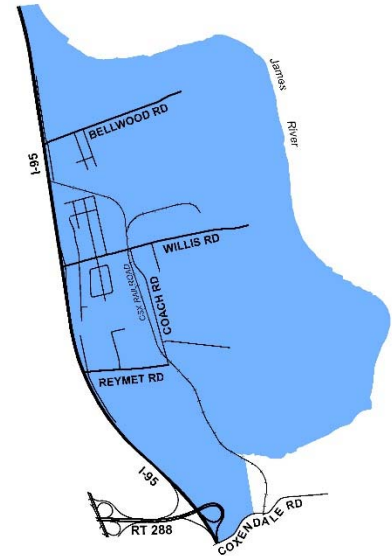


Figure: 19.1-346.B.2.a.

- b. Central area, from center line of Route 288 to the center line of West Hundred Road extending west from the center line of Jefferson Davis Highway to the center line of Interstate 95. The central area also includes an area from the center line of Route 288 to center line of Old Bermuda Hundred Road extending a minimum of 800 feet east of the center line of Jefferson Davis Highway and from the center line of West Hundred Road to center line of Old Bermuda Hundred Road extending a minimum of 800 feet west of the center line of Jefferson Davis Highway, but if any portion of a project extends further than 800 feet, the requirements apply to the entire project. The central Jefferson Davis Highway Post Development Design District is generally the area as shaded in Figure 19.1-346. B.2.b.;

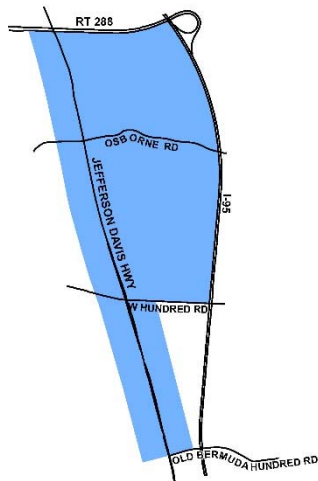
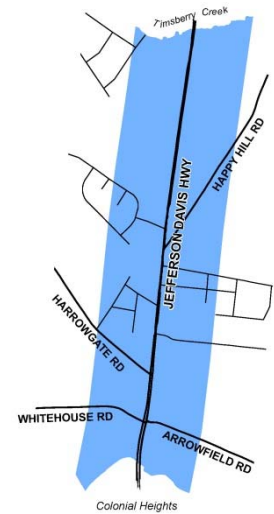


Figure: 19.1-346.B.2.b.

- c. Southern area, from Timsberry Creek to the Colonial Heights corporate limits. The width of this district is a minimum of 800 feet east and west of the centerline of Jefferson Davis Highway, but if any portion of a project extends further than 800 feet, the requirements apply to the entire project. The southern Jefferson Davis Highway Post Development Design District is generally the area as shaded in Figure 19.1-346. B.2.c.

Figure: 19.1-346.B.2.c.



(Ordinance of 6-22-16; Ordinance of 8-22-18)

Sec. 19.1-347. Required Conditions Post Development Design District.

- A. **Building and Parking.** Buildings and parking in Post Development Design District shall meet the requirements outlined in Tables 19.1-347.A.1. and 19.1-347.A.2.:

Table 19.1-347.A.1. O and C Districts Post Development Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	50/B or 25/J
	c. Other roads	25/J
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	20 ^[2]
	b. Adjacent to O, C or I	0 ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	20 ^[2]
	b. Adjacent to O, C, or I	20 ^[2]
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	50/B or 25/J
	c. Other roads	15/J
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	0
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	0
	b. Adjacent to O, C or I	0
C. Building Heights (maximum) ^[3]		Lesser of 3 stories or 45 feet ^{[4][5]}

Notes for Table 19.1-347.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The setback shall be increased by 1 foot for each foot that the building height exceeds 45 feet.
- [3] Height limits are subject to Article IV, Division 2.
- [4] Subject to Footnote 5, the height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, except that, within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, in which case the height may be increased to the height of the dwelling up to the maximum permitted height.

Table 19.1-347.A.2. I-1, I-2 and I-3 Districts Post Development Design District Building and Parking Required Conditions

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/B or 25/J	60/B	90/B
	c. Other roads	25/J	60/J	90/J
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	20 ^[2]	20 ^[2]	20 ^[2]
	b. Adjacent to O, C or I	0 ^[2]	10 ^[2]	10 ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	20 ^[2]	20 ^[2]	20 ^[2]
	b. Adjacent to O, C or I	20 ^[2]	20 ^[2]	20 ^[2]
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/B or 25/J	50/B	50/B
	c. Other roads	15/J	15/J	15/J
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	0	0	0
	b. Adjacent to O, C or I	0	0	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	0	0	0
	b. Adjacent to O, C or I	0	0	0
C. Building Heights (maximum) ^[3]				
1. I-1 District		Lesser of 3 stories or 50 feet ^{[4][5]}		
2. I-2 and I-3 District		150 feet ^{[5][6]}		

Notes for Table 19.1-347.A.2.

[1] Setbacks may be impacted by Buffer, Setbacks --Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.

[2] The setback shall be increased by 1 foot for each foot that the building height exceeds 45 feet.

[3] Height limits are subject to Article IV, Division 2.

[4] Subject to Footnotes 5 and 6, the height of offices and hotels may be increased to the lesser of 12 stories or 120 feet.

[5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, in which the case height may be increased to the height of the dwelling up to the maximum permitted height.

[6] Within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, the height shall not exceed lesser of 3 stories or 50 feet.

B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-347.A.1. and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-347.A.1. and A.2.

C. **Other Required Conditions.**

Architecture. In addition to the requirements of Section 19.1-317, building facades visible from a road shall not be constructed of unadorned concrete block, unfinished corrugated metal or unfinished sheet metal.

Sec. 19.1-348. through 19.1-349. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	
6/22/2016	2	Bon Air Special Design District	96319.3
	3	version not used	
8/22/2018	4	Northern Jefferson Davis Highway Design District	112805.1

DIVISION 11. BON AIR SPECIAL DESIGN DISTRICT

Sec. 19.1-350. Purpose and Intent of Bon Air Special Design District.

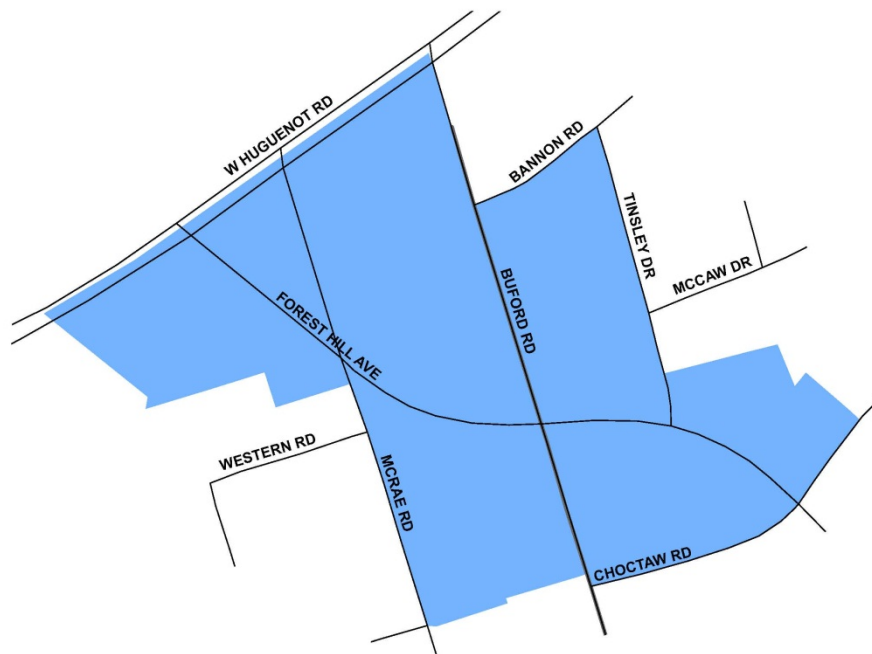
The purpose and intent of the Bon Air Special Design District is to enhance the village character, create an attractive overall appearance and provide for safe and enhanced pedestrian and vehicular connectivity within nonresidential areas and from those areas to surrounding residential and public facilities areas.

(Ordinance of 6-22-16)

Sec. 19.1-351. Zoning Districts and Area of Applicability.

The provisions of this division apply to O, C and I zoned property within Bon Air Special Design District as shown on the zoning maps. The Bon Air Special Design District is generally the area as shaded in Figure 19.1-351.

Figure: 19.1-351.



(Ordinance of 6-22-16)

Sec. 19.1-352. Required Conditions Bon Air Special Design District.

- A. **Building and Parking.** Buildings and parking in the Bon Air Special Design District shall meet the requirements outlined in Tables 19.1-352.A.1. and 19.1-352.A.2.:

Table. 19.1-352. A.1. O and C Districts- Bon Air Special Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Huguenot Rd.	50/J
	c. Choctaw Rd. east of Forest Hill Ave., McRae Rd. south of Forest Hill Ave. and Tinsley Drive	15
	d. Other roads	8 ^[2]
2. Interior side yard	a. Adjacent to property designated on the Comprehensive Plan for residential use	10/B
	b. Adjacent to property designated on the Comprehensive Plan for nonresidential use	0
3. Rear yard	a. Adjacent to property designated on the Comprehensive Plan for residential use	10/B
	b. Adjacent to property designated on the Comprehensive Plan for nonresidential use	0
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Huguenot Rd.	50/J
	c. Choctaw Rd. east of Forest Hill Ave., McRae Rd. south of Forest Hill Ave. and Tinsley Drive	[3]
	d. Other roads	[3]
2. Interior side yard	a. Adjacent to property designated on the Comprehensive Plan for residential use	10/ ^[4]
	b. Adjacent to property designated on the Comprehensive Plan for nonresidential use	0
3. Rear yard	a. Adjacent to property designated on the Comprehensive Plan for residential use	10/ ^[4]
	b. Adjacent to property designated on the Comprehensive Plan for nonresidential use	0
C. Building Heights (maximum) ^[5]		Lesser of 2 stories or 30 feet

Notes for Table 19.1-352.A.1.

- [1] Setbacks may be impacted by Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain and Chesapeake Bay regulations.
- [2] A minimum of 75% of the façade shall have a maximum setback of 20 feet. Within a project having more than one building, a minimum of one main building shall be subject to the minimum and maximum setbacks, and setbacks for other buildings may be modified by the director of planning if the site and architectural designs accomplish the purpose and intent outlined in Sec. 19.1-350.
- [3] Parking shall be located no closer to the road than the front façade of the building with the least setback from the road. If there is no building on the property, parking shall be setback 20 feet from the road. Within the setback, 3 to 4 foot high decorative walls or fences compatible with the building, evergreen hedges or a combination thereof shall be installed. Hedges shall be maintained at a height of 3 to 4 feet. The director of planning may modify the parking setback requirement if the site is designed to promote the pedestrian character of the area.
- [4] A 5 foot high decorative solid screen compatible with the building shall be provided along the property line for the length of the parking area.
- [5] Height limits are subject to Article IV, Division 2.

Table 19.1-352.A.2. I-1, I-2 and I-3 Districts Bon Air Special Design District Building and Parking Required Conditions

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[2] or 10/B ^[2]	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[2] or 20/B ^[2]	40/C ^[2] or 20/B ^[2]
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	75/B
	c. Other roads	40/A or 25/C	40/A	40/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[2] or 10/B ^[2]	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[2] or 20/B ^[2]	40/C ^[2] or 20/B ^[2]
C. Building Heights (maximum) ^[3]		Lesser of 2 stories or 30 feet		

Notes for Table 19.1-352.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain and Chesapeake Bay regulations.
- [2] Landscaping not required adjacent to I-2 or I-3 District.
- [3] Height limits are subject to Article IV, Division 2.

B. Other Required Conditions.

1. **Architecture and Building Design.** In addition to the requirements of Sec. 19.1-317, the requirements of Sec. 19.1-141.G. for O-1 property, the requirements of Sec. 19.1-148.F. for C-1 property, buildings shall meet the following architectural requirements:
 - a. **Architecture.**
 - Façades visible to a road or R, R-TH, R-MF, MH, A or O property shall not be constructed of unadorned concrete block, unfinished corrugated metal or unfinished sheet metal; and
 - Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses, and possess architectural variety while still maintaining compatibility with existing structures, especially those of high historic interest within the boundaries of the Bon Air Special Area Plan. Buildings shall enhance an overall cohesive character as reflected in existing structures through the use of design elements including, but not limited to: materials, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines, or other appurtenances such as lighting fixtures and landscaping.
 - b. **Storefront Windows and Pedestrian Entrances.** In the area designated for Neighborhood Business, the first floor of any building located within 30 feet of a road shall incorporate storefront windows, and pedestrian entrances that either connect directly to the sidewalk along the road or to a sidewalk that connects to the sidewalk along the road. A maximum of 10 linear feet along the front façade of the principal building shall be without windows or pedestrian entrances. The bottom of windows shall be no lower than 18 inches and no higher than 36 inches above finished grade.
 - c. **Intersection of Forest Hill Avenue and Buford Road.** At each quadrant of the intersection, buildings shall incorporate a significant architectural element such as a bell tower, clock tower or other vertical element and a minimum of 400 square feet of decorative hardscape area designed to promote the pedestrian character of the area. The architectural element shall be a minimum of 12 feet taller than the main building height unless modified by the director of planning based upon an alternative design that accomplishes the intent of this provision.
2. **Size of Individual Uses.** Except for O-1 and C-1 property which shall be subject to the size limitations in Sec. 19.1-141.F. and Sec. 19.1-148.E. respectively, and grocery stores which shall be subject to the size restrictions in Sec.19.1-53., individual buildings shall not exceed 12,000 square feet of gross floor area per story.
3. **Sidewalks and Pedestrian Amenities.** Sidewalk and pedestrian amenities shall be provided along roads and as pedestrian connections from projects to adjacent development. The exact location, treatment, design and use of sidewalks and pedestrian amenities shall be determined

at time of site plan review. Prior to site plan approval, easements, acceptable to the planning department, shall be recorded across such improvements to allow public use.

- a. **Sidewalks.** Concrete sidewalks, with a minimum width of 5 feet, shall be provided within the right-of-way along roads in conjunction with adjacent development.
 - b. **Hardscaped Pedestrian Areas.** In areas designated for neighborhood business on the comprehensive plan, for a building within 20 feet of a road with any portion of the building set back beyond 8 feet from the road, a decorative hardscaped pedestrian area shall be installed. The hardscaped area shall have a length equal to at least one-half the length of the building facade that is set back greater than 8 feet. The hardscaped area shall extend from such façade to as close as possible to the sidewalk along the road. Hardscaped pedestrian areas shall be designed to facilitate, and include amenities to support, outdoor gatherings and activities such as outdoor display of goods sold on the premises, dining, temporary vendors, civic or community events, or seating areas. The areas may also include, but are not limited to, pedestrian amenities such as foundation plantings, street furnishings, benches, bike racks and trash receptacles.
4. **Street Trees.** Street trees shall be installed along roads in conjunction with adjacent development in accordance with Sec. 19.1-252.
5. **Exterior Lighting.** In addition to the requirements of Sec. 19.1-205, lighting shall meet the following standards:
- a. **Streetlights.** Along sidewalks adjacent to roads, pedestrian scale streetlights shall be installed as follows:
 - Streetlights shall be designed to enhance the pedestrian character of the design district. The design of fixtures, poles and lamps shall be generally consistent in the Special Design District;
 - Streetlights shall be spaced generally 40 feet on center; and
 - Fixture mounting heights shall be between 12 and 15 feet above finished grade. The mounting height shall be generally consistent in the Special Design District.
 - b. **Other Exterior Lighting.** With the exception of pedestrian scale streetlights, exterior lighting shall comply with the following:
 - Exterior lighting shall be designed to enhance the character of the design district and be compatible with development standards of the district;
 - Freestanding lights shall not exceed a height of 20 feet above finished grade; and
 - Building mounted lighting shall be no higher than the roofline or parapet wall.

6. **Drive-in or Drive-through Facilities.** Drive-in or drive-through facilities to include windows, bays or similar uses shall be located or designed so as to minimize their view from roads.

(Ordinance of 6-22-16)

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	
6/22/2016	2	Bon Air Special Design District	96319.3

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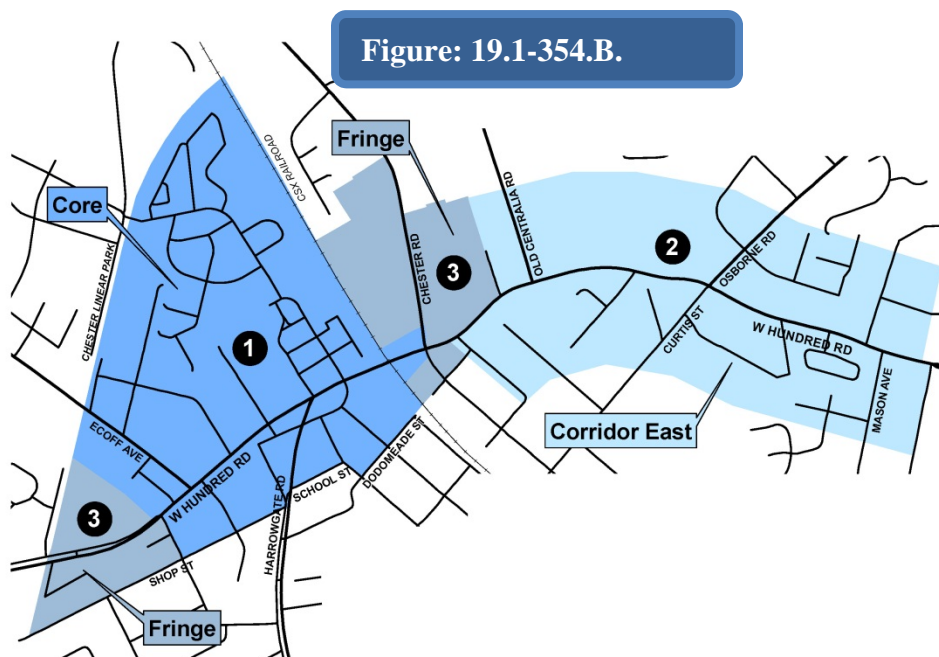
DIVISION 12. CHESTER SPECIAL DESIGN DISTRICT

Sec. 19.1-353. Purpose and Intent of Chester Special Design District.

The purpose and intent of the Chester Special Design District is to recognize the area's cultural, architectural and historic heritage and to maintain and reinforce the character, identity and pedestrian scale by continuing and enhancing existing development patterns.

Sec. 19.1-354. Zoning Districts and Areas of Applicability.

- A. The provisions of this division apply to O, C and I zoned property within Chester Special Design District.
- B. Chester Special Design District shall be comprised of the following areas as shown on the zoning maps and is generally the areas as shaded in Figure 19.1-354.B.:
 1. Chester Core;
 2. Chester Corridor East; and
 3. Chester Fringe.



Sec. 19.1-355. Required Conditions Chester Core.

- A. **Building and Parking.** Buildings and parking in Chester Core shall meet the requirements outlined in Tables 19.1-355.A.1. and 19.1-355.A.2.:

Table. 19.1-355. A.1. O and C Districts Chester Core Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	10/G
	c. Other roads	10/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/A ^[2] or 10/B ^[2]
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/A ^[3] or 10/B ^[3]
	b. Adjacent to O, C or I	0
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	[4][5]
	c. Other roads	[4][5]
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/A ^[6] or 10/B ^[6]
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/A ^[6] or 10/B ^[6]
	b. Adjacent to O, C or I	0
C. Building Heights (maximum) ^[7]		Lesser of 3 stories or 45 feet ^[8]

Notes for Table 19.1-355.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] If adjacent property is vacant and designated on the comprehensive plan for office/residential mixed use, or if adjacent property is designated on the comprehensive plan for uses other than any residential category, this setback may be reduced to 7.5 feet. Additionally, this setback may be reduced to zero with consent of the affected adjacent property owner if the wall of the building along such property line has no openings.
- [3] If adjacent property is vacant and designated on the comprehensive plan for office/residential mixed use, or if adjacent property is designated on the comprehensive plan for uses other than any residential category, this setback may be reduced with consent of the affected adjacent property owner if the wall of the building along such property line has no openings.
- [4] Minimum setback shall be the front line of the building with the least setback on the lot, but in no case less than 10 feet. In either case, Perimeter Landscaping G shall be planted within the setback.
- [5] Drives serving drive-in windows may be set back 3 feet provided the building which they serve is set back a minimum of 15 feet. If the building is set back further than 15 feet either the drive setback shall be increased by a like amount or the uses located in between the drive and the building shall be limited to landscaping or pedestrian circulation. Within the setback, a continuous hedge with a minimum height of 3 to 4 feet shall be planted and maintained at such height.
- [6] If adjacent property is designated on the comprehensive plan for office/residential mixed use, or if adjacent property is designated on the comprehensive plan for uses other than any residential category, this setback may be reduced to zero if the adjacent property is not occupied by a dwelling. If the adjacent property is occupied by a dwelling, the setback may be reduced to zero if a minimum 4 foot high solid screen is provided along such property line, unless the owner of such property agrees to eliminate the screen requirement.
- [7] Height limits are subject to Article IV, Division 2.
- [8] Within 200 feet of an R district, the height shall not exceed the lesser of 2.5 stories or 30 feet unless there is an existing dwelling more than 2.5 stories within 100 feet of the of the common boundary with the R district, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

**Table 19.1-355A.2. I-1, I-2 and I-3 Districts Chester Core
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/G	75/G	90/G
	c. Other roads	25/G	60/G	90/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/G	75/G	90/G
	c. Other roads	25/G	60/G	90/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear Yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]		Lesser of 3 stories or 45 feet ^[5]		

Notes for Table 19.1-355.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2.5 stories or 30 feet unless there is an existing dwelling more than 2.5 stories within 100 feet of the common boundary of the neighborhood, in which case height may be increased to height of the dwelling, but not more than the maximum permitted height.

B. Gasoline Pumps and Associated Drives.

1. **O and C Districts.** Gasoline pumps and associated drives shall meet the setback requirements for parking outlined in Table 19.1-355.A.1.
2. **I Districts.** Gasoline pumps shall meet the setback requirements for buildings outlined in Table 19.1-355.A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Table 19.1-355.A.2.

C. Other Required Conditions.

1. **Architecture.** In addition to the requirements of Section 19.1-317, buildings shall meet the following architectural requirements:
 - Facades shall not be constructed of unpainted concrete block, unfinished corrugated metal or unfinished sheet metal. In addition, facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not be constructed of unadorned concrete block;
 - A façade shall not consist of architectural materials inferior in quality, appearance or detail to any other façade, except that use of different materials on different facades shall be permitted;
 - Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses, and possess architectural variety while still maintaining compatibility with existing structures, especially those of high historic interest. Buildings shall enhance an overall cohesive character as reflected in existing structures through the use of design elements including, but not limited to: materials, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines, or other appurtenances such as lighting fixtures and landscaping.
2. **Lighting.** In addition to the requirements of Sec. 19.1-205, lighting shall meet the following standards:
 - Freestanding lights shall not exceed a height of 20 feet; and
 - Building attached lighting shall be no higher than the roofline or parapet wall.

3. **Streetlights.** Streetlights shall be installed along roads as follows:
- a. **Design.** Streetlight design shall be compatible with the small-scale, pedestrian-oriented character of the special design district and compatible with existing and anticipated development. The design of fixtures, poles and lamp types shall be consistent along any given road;
 - b. **Spacing.** Unless modified at time of plan review due to physical constraints, lights shall be spaced 150 feet on center along a road and 75 feet on center with lights on the opposite sides of the road; and
 - c. **Fixture Height.** Fixture mounting heights along Route 10, Chester Road and Harrowgate Road shall be 12 feet above the adjacent road elevation, and along all other roads 10 feet above the adjacent road elevation.

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Sec. 19.1-356. Required Conditions Chester Corridor East.

- A. **Building and Parking.** Buildings and parking in Chester Corridor East shall meet the requirements outlined in Tables 19.1-356.A.1. and 19.1-356.A.2.

Table. 19.1-356.A.1. O and C Districts Chester Corridor East Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial excluding limited access	25/G
	c. Other roads	25/G ^[2]
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	7.5/E ^[3]
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/B ^[3]
	b. Adjacent to O, C or I	0
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial excluding limited access	25/G
	c. Other roads	25/G ^[2]
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	7.5/F ^[4]
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/B ^[4] or 7.5/F ^[4]
	b. Adjacent to O, C or I	0
C. Building Height (maximum) ^[5]		Lesser of 2.5 stories or 30 feet

Notes for Table 19.1-356.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] Corner side yard setback for lot back to back with another corner lot may be reduced to 15 feet with Perimeter Landscaping G in the setback.
- [3] If adjacent property is vacant and designated on the comprehensive plan for office/residential mixed use, or if adjacent property is designated on the comprehensive plan for uses other than any residential category, this setback may be reduced with consent of the affected adjacent property owner if the wall of the building along such property line has no openings.
- [4] If adjacent property is vacant and designated on the comprehensive plan for office/residential mixed use, or if adjacent property is designated on the comprehensive plan for uses other than any residential category, this setback may be reduced. If the adjacent property is occupied by a dwelling, the setback may be reduced to zero if a minimum 4 foot high solid screen is provided along such property line, unless the owner of such property agrees to eliminate the screen requirement.
- [5] Height limits are subject to Article IV, Division 2.

**Table 19.1-356.A.2. I-1, I-2 and I-3 Districts Chester Corridor East
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] / Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/G	75/G	90/G
	c. Other roads	25/G	60/G	90/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/G	75/G	90/G
	c. Other roads	25/G	60/G	90/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]		Lesser of 2.5 Stories or 30 feet		

Notes for Table 19.1-356.A.2.

[1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.

[2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.

[3] Landscaping not required adjacent to I-2 or I-3 District.

[4] Height limits are subject to Article IV, Division 2.

B. Gasoline Pumps and Associated Drives Standards.

1. **O and C Districts.** Gasoline pumps and associated drives shall meet the setback requirements for parking outlined in Table 19.1-355.A.1.
2. **I Districts.** Gasoline pumps shall meet the setback requirements for buildings outlined in Table 19.1-355.A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Table 19.1-355.A.2.

C. Other Required Conditions.

1. **Architecture.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:
 - Facades shall not be constructed of unpainted concrete block, unfinished corrugated metal or unfinished sheet metal. In addition, facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not be constructed of unadorned concrete block;
 - A façade shall not consist of architectural materials inferior in quality, appearance or detail to any other façade, except that use of different materials on different facades shall be permitted;
 - Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses, and possess architectural variety while still maintaining compatibility with existing structures, especially those of high historic interest. Buildings shall enhance an overall cohesive character as reflected in existing structures through the use of design elements including, but not limited to: materials, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines, or other appurtenances such as lighting fixtures and landscaping.
2. **Lighting.** In addition to the requirements of Sec. 19.1-205, lighting shall meet the following standards:
 - Freestanding lights shall not exceed a height of 20 feet; and
 - Building attached lighting shall be no higher than the roofline or parapet wall.

3. **Streetlights.** Streetlights shall be installed along roads as follows:
- a. **Design.** Streetlight design shall be compatible with the small-scale, pedestrian-oriented character of the special design district and compatible with existing and anticipated development. The design of fixtures, poles and lamp types shall be consistent along any given road.
 - b. **Spacing.** Unless modified at time of plan review due to physical constraints, lights shall be spaced 150 feet on center along a road and 75 feet on center with lights on the opposite sides of the road.
 - c. **Fixture Height.** Fixture mounting heights along Route 10, Chester Road and Harrowgate Road shall be 12 feet above the adjacent road elevation and along all other roads 10 feet above the adjacent road elevation.

Sec. 19.1-357. Required Conditions Chester Fringe.

- A. **Building and Parking.** Buildings and parking in Chester Fringe shall meet the requirements outlined in Tables 19.1-357.A.1. and 19.1-357.A.2:

Table. 19.1-357. A.1. O and C Districts Chester Fringe Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial excluding limited access	25/G
	c. Other roads	25/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/A ^[3]
	b. Adjacent to O, C or I	0
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial excluding limited access	25/G
	c. Other roads	25/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[4]
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/A ^[4]
	b. Adjacent to O, C or I	0
C. Building Height (maximum) ^[5]		Lesser of 3 stories or 45 feet ^[6]

Notes for Table 19.1-357.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] If adjacent property is vacant and designated on the comprehensive plan for office/residential mixed use, or if adjacent property is designated on the comprehensive plan for uses other than any residential category, this setback may be reduced to 7.5 feet. Additionally, this setback may be reduced to zero with consent of the affected adjacent property owner if the wall of the building along such property line has no openings.
- [3] If adjacent property is vacant and designated on the comprehensive plan for office/residential mixed use, or if adjacent property is designated on the comprehensive plan for uses other than any residential category, this setback may be reduced to 25 feet. Additionally, this setback may be reduced to zero with consent of the affected adjacent property owner if the wall of the building along such property line has no openings.
- [4] If adjacent property is designated on the comprehensive plan for office/residential mixed use; or if adjacent property is designated on the comprehensive plan for uses other than any residential category, this setback may be reduced to zero. If the adjacent property is occupied by a dwelling, the setback may be reduced to zero if a minimum 4 foot high solid screen is provided along such property line, unless the owner of such property agrees to eliminate the screen requirement.
- [5] Height limits are subject to Article IV, Division 2.
- [6] Within 200 feet of an R district, the height shall not exceed the lesser of 2.5 stories or 30 feet unless there is an existing dwelling more than 2.5 stories within 100 feet of the of the common boundary with the R district, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

**Table 19.1-357.A. 2. I-1, I-2 and I-3 Districts Chester Fringe
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/G	75/G	90/G
	c. Other roads	25/G	60/G	90/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/G	75/G	90/G
	c. Other roads	25/G	60/G	90/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]		Lesser of 3 stories or 45 feet ^[5]		

Notes for Table 19.1-357.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2.5 stories or 30 feet unless there is an existing dwelling more than 2.5 stories within 100 feet of the common boundary of the neighborhood, in which case the height may be increased to height of the dwelling, but not more than the maximum permitted height.

B. Gasoline Pumps and Associated Drives.

1. **O and C Districts.** Gasoline pumps and associated drives shall meet the setback requirements for parking outlined in Table 19.1-355.A.1.
2. **I Districts.** Gasoline pumps shall meet the setback requirements for buildings outlined in Table 19.1-355.A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Table 19.1-355.A.2.

C. Other Required Conditions.

1. **Architecture.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:
 - Facades shall not be constructed of unpainted concrete block, unfinished corrugated metal or unfinished sheet metal. In addition, facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not be constructed of unadorned concrete block;
 - A façade shall not consist of architectural materials inferior in quality, appearance or detail to any other façade, except that use of different materials on different facades shall be permitted;
 - Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses, and possess architectural variety while still maintaining compatibility with existing structures, especially those of high historic interest. Buildings shall enhance an overall cohesive character as reflected in existing structures through the use of design elements including, but not limited to: materials, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines, or other appurtenances such as lighting fixtures and landscaping.
2. **Lighting.** In addition to the requirements of Sec. 19.1-205, lighting shall meet the following standards:
 - Freestanding lights shall not exceed a height of 20 feet; and
 - Building attached lighting shall be no higher than the roofline or parapet wall.

3. **Streetlights.** Streetlights shall be installed along roads as follows:
- a. Design. Streetlight design shall be compatible with the small-scale, pedestrian-oriented character of the special design district and compatible with existing and anticipated development. The design of fixtures, poles and lamp types shall be consistent along any given road.
 - b. Spacing. Unless modified at time of plan review due to physical constraints, lights shall be spaced 150 feet on center along a road and 75 feet on center with lights on the opposite sides of the road.
 - c. Fixture Height. Fixture mounting heights along Route 10, Chester Road and Harrowgate Road shall be 12 feet above the adjacent road elevation, and along all other roads 10 feet above the adjacent road elevation.

History of Amendments	
<u>Date</u>	<u>Document #</u>
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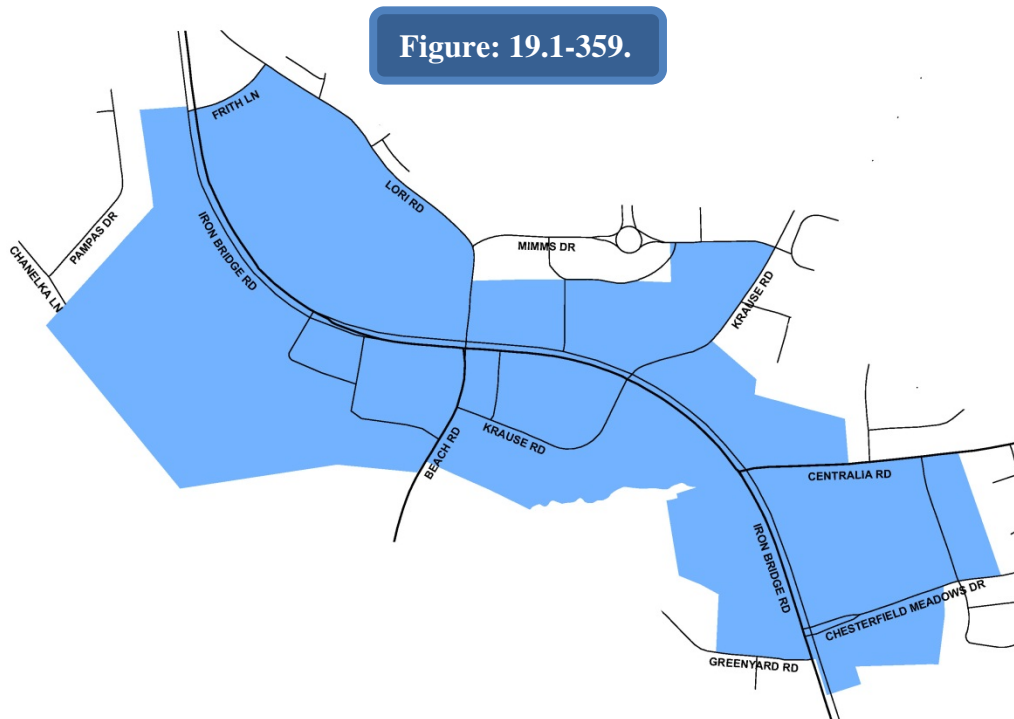
DIVISION 13. COURTHOUSE DESIGN DISTRICT

Sec. 19.1-358. Purpose and Intent of Courthouse Design District.

The purpose and intent of the Courthouse Design District is to recognize the area as unique and to enhance development patterns which include Colonial and Federalist architectural features that are compatible with the historic structures within, and in proximity to, the Chesterfield County Courthouse Complex.

Sec. 19.1-359. Zoning Districts and Area of Applicability.

The provisions of this division apply to O, C and I zoned property in the Courthouse Design District as shown on the zoning maps. The Courthouse Design District is generally the area as shaded in Figure 19.1-359.



Sec. 19.1-360. Required Conditions Courthouse Design District.

- A. **Building and Parking.** Buildings and parking in Courthouse Design District shall meet the requirements outlined in Tables 19.1-360.A.1 and 19.1-360.A.2:

Table. 19.1-360. A.1. O and C Districts Courthouse Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C
	b. Adjacent to O, C or I	40/C or 20/B
C. Building Heights (maximum) ^[3]		Lesser of 3 stories or 45 feet ^[4] [5]

Notes for Table 19.1-360.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Height limits are subject to Article IV, Division 2.
- [4] Subject to Footnote 5, height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, except that within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, in which case the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

Table. 19.1-360. A.2. I-1, I-2 and I-3 Districts Courthouse Design District
Building and Parking Required Conditions

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	75/B
	c. Other roads	40/A or 25/C	40/A	40/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]				
1. I-1 District	Lesser of 3 stories or 50 feet ^{[5][6]}			
2. I-2 and I-3 District	150 feet ^{[6][7]}			

Notes for Table 19.1-360.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Subject to Footnotes 6 and 7, height of offices and hotels may be increased to the lesser of 12 stories or 120 feet
- [6] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, in which case the height may be increased to height of the dwelling, but not more than the maximum permitted height.
- [7] Within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.

B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-360.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-360.A.1 and A.2.

C. **Other Required Conditions.**

Architecture. In addition to the requirements of Section 19.1-317, buildings shall meet the following architectural requirements:

- Facades shall not be constructed of unpainted concrete block, unfinished corrugated metal or unfinished sheet metal;
- Use of different materials on different facades shall be permitted, but inferior materials shall not be used on sides which face adjoining property;
- Facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not have architectural materials inferior in appearance or detail to any other facade of the same building or be constructed of unadorned concrete block.
- Architectural treatment of buildings shall be compatible with buildings located within the same block or directly across any road. Where existing buildings do not conform to architectural treatment requirements, an alternative architectural treatment or theme may be approved; and
- Buildings shall be compatible with Federalist and Colonial architecture as exemplified by the historic Chesterfield Courthouse, Castlewood, and Magnolia Grange. Architectural features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of materials such as brick and/or siding for walls, and standing seam metal or simulated slate for roofs. There shall be no visible flat or shed roofs. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together.

History of Amendments	
<u>Date</u>	<u>Document #</u>
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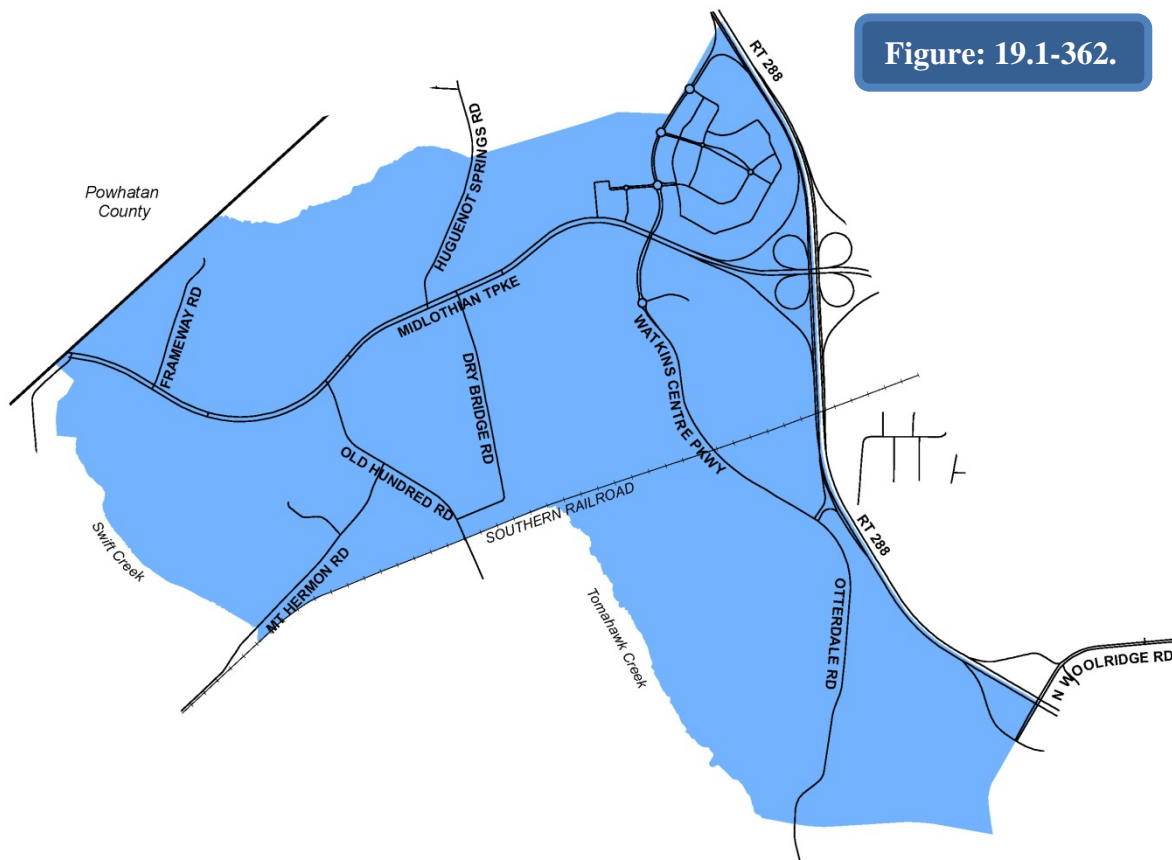
DIVISION 14. EMPLOYMENT CENTER DESIGN DISTRICT

Sec. 19.1-361. Purpose and Intent of Employment Center Design District.

The purpose and intent of the Employment Center District is to encourage and enhance the development of quality office and industrial parks, have compatible land use patterns, create aesthetically pleasing developments, encourage use of quality architectural materials, provide continuity and sufficient levels of landscaping and lighting throughout each development, and promote pedestrian and vehicular circulation.

Sec. 19.1-362. Zoning Districts and Area of Applicability.

The provisions of this division apply to O, C and I zoned property in the Employment Center Design District as shown on the zoning maps. The Employment Center District is generally the area as shaded in Figure 19.1-362.



Sec. 19.1-363. Required Conditions Employment Center Design District.

- A. **Building and Parking.** Buildings and parking in an Employment Center Design District shall meet the requirements outlined in Tables 19.1-363.A.1 and 19.1-363.A.2:

Table. 19.1-363. A.1. O and C Districts Employment Center Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] / Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/I
	c. Collector roads	40/C
	d. Other roads	25/B
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]
B. Parking Setbacks(feet) ^[1] / Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/I
	c. Collector roads	40/C
	d. Other roads	25/B
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C
	b. Adjacent to O, C or I	40/C or 20/B
C. Building Heights (maximum) ^[3]		
1. O Districts	150 ^{[4][5]}	
2. C Districts	Lesser of 3 stories or 45 feet ^{[4][5]}	

Notes for Table 19-363.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Height limits are subject to Article IV, Division 2.
- [4] Subject to Footnote 5, height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, except that 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, in which case the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

Table 19.1-363.A.2. I-1, I-2 and I-3 Districts Employment Center Design District Building and Parking Required Conditions

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/I	75/I	75/I
	c. Collector roads	40/C	60/C	90/C
	d. Other roads	25/B	25/B	25/B
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/I	75/I	75/I
	c. Collector roads	40/C	60/C	90/C
	d. Other roads	25/B	25/B	25/B
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]		150 feet		

Notes for Table 19.1-363.A.2.

[1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.

[2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.

[3] Landscaping is not required adjacent to I-2 or I-3 District.

[4] Height limits are subject to Article IV, Division 2.

B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-363.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-363.A.1 and A.2.

C. **Other Required Conditions.**

1. **Architecture.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:

- Facades shall not be constructed of unadorned concrete block or unfinished metal;
- A façade shall not consist of architectural materials inferior in quality, appearance or detail to any other façade, except that use of different materials on different facades shall be permitted; and
- Architectural treatment of buildings shall be compatible with buildings located within the same block or directly across any road.

2. **Street Lights and Site Lighting.** In addition to the requirements of Sec. 19.1-205, lighting shall meet the following standards:

- Street lights shall be installed at all corners of road intersections;
- Parking lot and access lighting shall not exceed a height of 30 feet; and
- Lighting shall be of a high cut off shoe-box lighting.

History of Amendments	
<u>Date</u>	<u>Document #</u>
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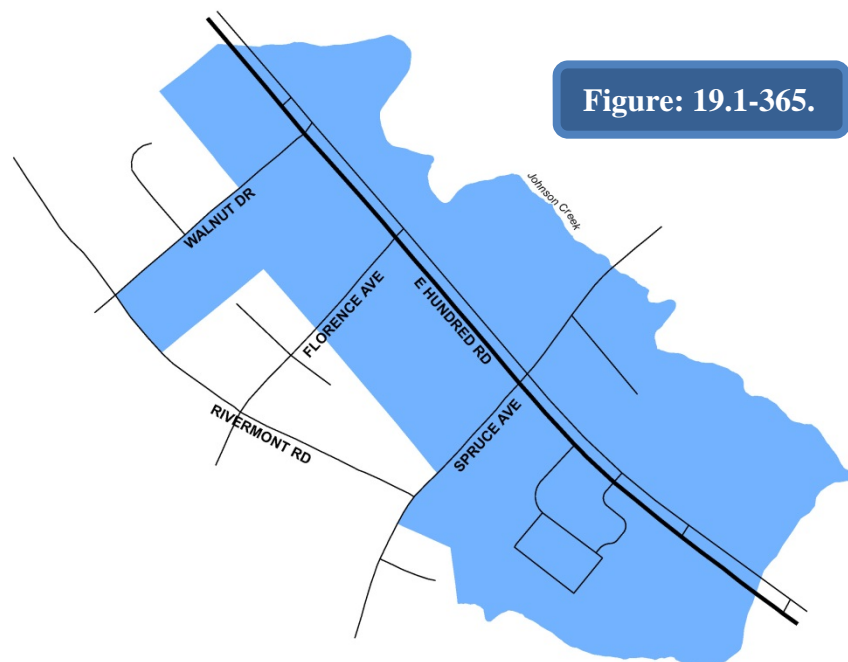
DIVISION 15. ENON CORE DESIGN DISTRICT

Sec. 19.1-364. Purpose and Intent of Enon Core Design District.

The purpose and intent of the Enon Core Design District is to recognize the area as unique, to enhance patterns of development, and to encourage, reinforce and enhance a sense of neighborhood identity and “place” for the Enon community.

Sec. 19.1-365. Zoning Districts and Areas of Applicability.

The provisions of this division apply to O, C and I zoned property in the Enon Core Design District as shown on the zoning maps. The Enon Core Design District is generally the area as shaded in Figure 19.1-365.



Sec. 19.1-366. Required Conditions Enon Core Design District.

- A. **Building and Parking.** Buildings and parking in the Enon Core Design District shall meet the requirements outlined in Tables 19.1-366.A.1 and 19.1-366.A.2:

Table. 19.1-366. A.1. O and C Districts Enon Core Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Route 10	15/J
	c. Other major arterial	15/G
	d. Other roads	15/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	7.5/E ^[2]
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/B ^[2]
	b. Adjacent to O, C or I	0
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Route 10	25/J ^{[3][4]}
	c. Other major arterial	15/G
	d. Other roads	15/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	7.5/F ^[5]
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/B or 7.5/F ^[5]
	b. Adjacent to O, C or I	0
C. Building Heights (maximum) ^[6]		Lesser of 1.5 stories or 24 feet

Notes for Table 19.1-366.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] If adjacent property is designated on the comprehensive plan for non-single family residential use this setback may be reduced to zero with consent of the affected adjacent property owner if the wall of the building along such property line has no openings.
- [3] Parking, excluding drives serving drive-in windows, shall not be located closer to Route 10 than the façade of the closest building to Route 10.
- [4] Drives serving drive-in windows may be setback 15 feet with Perimeter Landscaping J.
- [5] If adjacent property is designated on the comprehensive plan for non-single family residential use, this setback may be reduced to zero if the adjacent property is not occupied by a dwelling. If the adjacent property is occupied by a dwelling, the setback may be reduced to zero if a minimum 4 foot high solid screen is provided along such property line, unless the owner of such property agrees to eliminate the screen requirement.
- [6] Height limits are subject to Article IV, Division 2.

Table 19.1-366.A.2. I-1, I-2 and I-3 Districts Enon Core Design District
Building and Parking Required Conditions

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	75/B
	c. Other roads	40/A or 25/C	40/A	40/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]				
1. I-1 District		Lesser of 3 stories or 50 feet ^{[5][6]}		
2. I-2 and I-3 Districts		150 feet ^{[6][7]}		

Notes for Table 19.1-366.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Subject to Footnotes 6 and 7, height of offices and hotels may be increased to the lesser of 12 stories or 120 feet
- [6] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to height of the dwelling, but no more than the maximum permitted height.
- [7] Within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.

B. Gasoline Pumps and Associated Drives. Gasoline pumps and associated drives shall be separated from Route 10 by a building serving such facilities. Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-366.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-366.A.1 and A.2.

C. Other Required Conditions.

1. **Architecture.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:

- Facades shall not be constructed of unpainted concrete block, unfinished corrugated metal or unfinished sheet metal;
- Use of different materials on different facades shall be permitted, but inferior materials shall not be used on sides which face adjoining property;
- Facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not have architectural materials inferior in appearance or detail to any other facade of the same building or be constructed of unadorned concrete block;
- Architectural style shall employ residential design features which include, but are not limited to, articulation of doors and windows, architectural ornamentation, and use of residential materials such as, but not limited to, brick or siding, and asphalt shingle or simulated slate roofs. There shall be no visible flat or shed roofs. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together; and
- Architectural treatment shall be compatible with buildings located within the same block or directly across a road. Where existing buildings do not conform to architectural treatment requirements, an alternative architectural treatment or theme may be approved.

2. **Internal Circulation.** Direct and convenient onsite vehicular circulation and reciprocal access between properties shall be provided. The intent is to require shared access drives located to the rear of buildings that front Route 10.

History of Amendments	
<u>Date</u>	<u>Document #</u>
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DIVISION 16. ETTRICK SPECIAL DESIGN DISTRICT

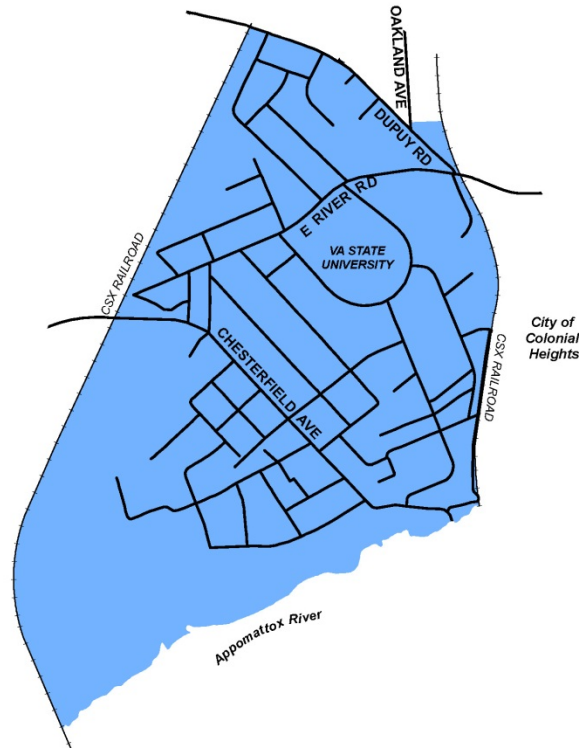
Sec. 19.1-367. Purpose and Intent of Ettrick Special Design District.

The purpose and intent of the Ettrick Special Design District is to recognize the area's unique features and opportunities and to shape patterns of development in accordance with the goals, guidelines and recommendations of the *Ettrick VSU Special Area Plan*, a component of the comprehensive plan. The requirements are designed to foster the creation of a densely developed, pedestrian friendly mixed use environment in and around Virginia State University, the Ettrick Train Station and the surrounding residential community

Sec. 19.1-368. Zoning Districts and Area of Applicability.

The provisions of this division apply to O, C and I zoned property within the Ettrick Special Design District as shown on the zoning maps. The Ettrick Special Design District is generally the area as shaded Figure 19.1-368.

Figure: 19.1-368.



Sec. 19.1-369. Required Conditions Ettrick Special Design District.

- A. **Building and Parking.** Buildings and parking in the Ettrick Special Design District shall meet the requirements outlined in Table 19.1-369.A.:

Table 19.1-369.A. O, C and I Districts- Ettrick Special Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Chesterfield Avenue, Granger Street, Bessie Lane, and East River Road	8 ^[2] [3]
	c. Other roads	15
2. Interior side yard		0
3. Rear yard		70
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Chesterfield Avenue , Granger Street, Bessie Lane and East River Road	[4]
	c. Other roads	15 ^[5]
2. Interior side yard		0 ^[6]
3. Rear yard		0 ^[6]
C. Building Heights ^[7]	Minimum of 2 stories and a Maximum of the lesser of 4 stories or 60 feet.	

Notes for Table 19.1-369.A.

- [1] Setbacks may be impacted by Setbacks-Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain and Chesapeake Bay regulations.
- [2] At least one principal building in a project shall be set back as follows:
 - 75% or more of the façade shall have a maximum setback of 15 feet; or
 - if a hardscaped pedestrian area extending from that portion of the building set back greater than 15 feet to the required 8 foot setback line is provided, less than 75% of the façade, but in no case less than 50% of the façade, shall have a maximum setback of 15 feet.
- [3] Canopies and awnings that create pedestrian arcades shall be permitted to encroach into the required setback and shall not be subject to the limits of Section 19.1-210.
- [4] Parking shall be set back as follows:
 - no closer to the road than the rear of the building; or
 - if there is no building, the greater of either $\frac{1}{2}$ the depth of the lot or no closer to the road than the rear façade setback of the nearest building facing the road.

Views of parking from roads shall either be minimized by a building, or 3 to 4 foot high decorative walls, fencing, evergreen hedges or a combination thereof. Hedges shall be maintained at a height of 3 to 4 feet. Walls, fencing and hedges shall be located as follows:

 - set back from the road at the minimum building setback; or
 - between the parking and any hardscaped pedestrian area located between the road and the parking area.
- [5] Parking shall not be located between the façade of any building and the road.

Views of parking areas from roads shall either be minimized by a building, or 3 to 4 foot high decorative walls, fencing, evergreen hedges or a combination thereof. Hedges shall be maintained at a height of 3 to 4 feet. Walls, fencing and hedges shall be located as follows:

 - setback from the road at the minimum building setback; or
 - between the parking and any hardscaped pedestrian area located between the road and the parking area.
- [6] Views of parking from adjacent property designated for single family residential use on the comprehensive plan shall either be minimized by a building, or 3 to 4 foot high decorative walls, fencing, evergreen hedges or a combination thereof. Hedges shall be maintained at a height of 3 to 4 feet.
- [7] Height limits are subject to Article IV, Division 2.

- B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall be located behind a building and arranged so as to minimize view from Chesterfield Avenue, Granger Street and East River Road east of Bessie Lane. Views of pumps from other roads shall be minimized either by a building, or 3 to 4 foot high decorative walls, fencing, evergreen hedges or a combination thereof. Hedges shall be maintained at a height of 3 to 4 feet. The setback of the walls, fencing or hedges shall be a maximum of 15 feet unless a hardscaped pedestrian area is provided between the road and the gasoline pumps in which case the walls, fencing or hedges shall be located between the gasoline pumps and the hardscaped pedestrian area.

C. **Other Required Conditions.**

1. **Architectural Compatibility Generally.** Architectural treatment of buildings shall be compatible with buildings located within the Virginia State University campus so as to provide an overall cohesive character, as determined by the director of planning. Buildings shall enhance an overall cohesive character through the use of design elements including, but not limited to: materials, balconies or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, cornice treatment, or other appurtenances such as decorative lighting fixtures. Buildings should be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses.
2. **Building Design.** In addition to the requirements of Section 19.1-317., buildings within the Ettrick Special Design District shall comply with the following:
 - a. Architecture.
 - The required second story shall extend the full frontage of the first floor façade and have a gross floor area not less than 50% of the gross floor area of the first story. The second story shall be set back from the road an equal distance to that of the first floor unless features such as balconies, outdoor dining or other similar amenities which can be used by pedestrians are employed along the façade of the second story, in which case the second story may be set back up to 12 feet further from the road than the first story;
 - Excluding the area for windows and doors, a minimum of 75% of the façade fronting a road and visible from a road shall be faced with brick, stone, or other materials similar in appearance to brick or stone;
 - Façades visible from a road shall not be constructed of unadorned or unpainted concrete block, corrugated metal or sheet metal; and
 - Use of different materials on different facades shall be permitted, but architectural materials inferior in quality, appearance or detail to any other façade of the same building shall not be used.

- b. **Storefront Windows and Pedestrian Entrances.** The first floor of any building located within 30 feet of a road shall incorporate storefront windows and pedestrian entrances that either connects directly to the sidewalk along the road or to a sidewalk that connects to the sidewalk along the road. A maximum of 10 linear feet along the front façade of the principal building shall be without windows or pedestrian entrances. The bottom of windows shall be no lower than 18 inches and no higher than 36 inches above finished grade.
3. **Size of Individual Uses.** With the exception of hotels, motels, offices or grocery stores, individual nonresidential uses shall not exceed 10,000 square feet of gross floor area. Grocery stores shall not exceed 40,000 square feet.
4. **Sidewalks and Pedestrian Amenities Generally.** Sidewalk and pedestrian amenities shall be provided along roads and as pedestrian connections from projects to adjacent development. The exact location, treatment, design and use of sidewalks and pedestrian amenities shall be determined at time of site plan review. Prior to site plan approval, easements, acceptable to the Planning Department shall be recorded across such improvements to allow public use.
5. **Sidewalks and Pedestrian Amenities Specifically.** Sidewalks and amenities shall be provided in conjunction with development as follows:
 - a. **Northeast Line of Chesterfield Avenue.** Along the northeast line of Chesterfield Avenue, within the required setback:
 - 8 foot wide sidewalk which incorporates design features such as pavers, landscaping, decorative concrete, curves and other elements to enhance visual interest; and
 - 4 feet of the additional sidewalk abutting the 8 foot sidewalk on the interior side of lot incorporating one or more of the amenities allowed within hardscaped pedestrian areas unless the adjacent use incorporates accessory outdoor activities, such as, but not limited to, outdoor dining or display adjacent to the 4 foot of sidewalk.
 - b. **Southwest line of Chesterfield Avenue and All Other Roads.** Along southwest line of Chesterfield Avenue and all other roads, sidewalk either within or parallel to the road, as approved by Planning and the Transportation Departments.
6. **Uses Permitted in Hardscaped Pedestrian Areas.** Hardscaped pedestrian areas may be located within required setbacks along roads. Such areas are not subject to side yard setbacks but shall require a rear yard setback of 50 feet. Such areas shall not encroach onto required sidewalks. Hardscaped pedestrian areas shall be designed to facilitate, and include amenities to support, outdoor gatherings and activity such as outdoor display of goods sold on the premises, dining, temporary vendors, civic or community events or seating areas. The areas may also include, but are not limited to, pedestrian amenities such as foundation plantings, street furnishings, benches, bike racks and trash receptacles.

7. **Bicycle Facilities.** A two-way bicycle facility shall be constructed within the road along the east line of Granger Street and the northeast line of Chesterfield Avenue. The exact design shall be approved by the Transportation Department.
8. **Street Trees.** Single stemmed street trees having a minimum caliper of 2.5 inches as measured at 4 feet above grade at time of planting shall be planted on an average of 40 feet on center along roads. Unless otherwise approved at the time of site plan review, the same species shall be used along a road and within a project.
9. **Exterior Lighting.** In addition to the requirements of Section 19.1-205., the following standards shall be met:
 - a. **Streetlights.** Within required setbacks along Chesterfield Avenue, Granger Street and East River Road, pedestrian scale streetlights shall be installed as follows:
 - Streetlights shall be designed to enhance the pedestrian character of the design district and be compatible with development standards of the district. The design of fixtures, poles and lamp shall be consistent along a road.
 - Streetlights shall be spaced generally 40 feet on center.
 - Fixture mounting heights shall be limited to 12 to 15 feet above the finished grade.
 - b. **Other Exterior Lighting.** With the exception of pedestrian scale streetlights, exterior lighting shall comply with the following:
 - Exterior lighting shall be designed to enhance the character of the design district and be compatible with development standards of the district;
 - Freestanding lights shall not exceed a height of 20 feet above finished grade; and
 - Building mounted lights shall be no higher than the roofline or parapet wall.
10. **Vehicular Access.** Vehicular drives shall not be located between a building and a road.
11. **Drive-in or Drive Through Facilities.** Drive-in or drive through facilities shall comply with the following:
 - a. Drive-in or drive through facilities to include windows, bays or similar uses shall be located behind the building and arranged so as to minimize view from Chesterfield Avenue, Granger Street and East River Road east of Bessie Lane; and

- b. The view of stacking spaces from Chesterfield Avenue, Granger Street and East River Road east of Bessie Lane shall be minimized either by a building, or 3 to 4 foot high decorative walls, fencing, evergreen hedges or a combination thereof. Hedges shall be maintained at a height of 3 to 4 feet. The setback of the walls, fencing or hedges shall be a maximum of 15 feet unless a hardscaped pedestrian area is provided between the road and the stacking spaces in which case the walls, fencing or hedges shall be located between the stacking spaces and the hardscaped pedestrian area.

(Ordinance of 10-26-16)

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94300.1
10/26/2016	2	Bikeways	96806.3

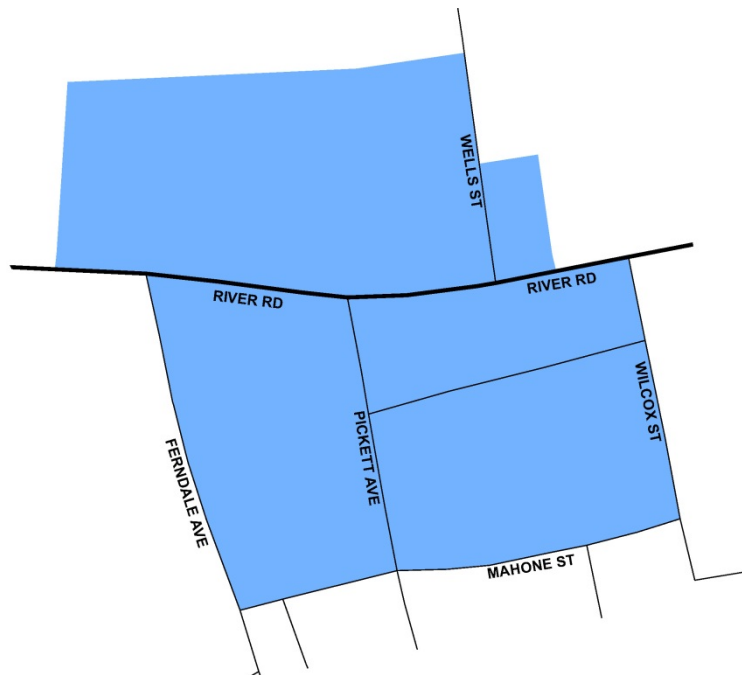
DIVISION 17. MATOACA SPECIAL DESIGN DISTRICT**Sec. 19.1-370. Purpose and Intent of Matoaca Special Design District.**

The purpose and intent of the Matoaca Special Design District is to recognize the area's cultural, architectural and historic heritage, and to maintain and reinforce the character, identity and pedestrian scale by continuing and enhancing existing development patterns.

Sec. 19.1-371. Zoning Districts and Area of Applicability.

The provisions of this division apply to O, C and I zoned property within the Matoaca Special Design District as shown on the zoning maps. The Matoaca Special Design District is generally the area as shaded in Figure 19.1-371.

Figure: 19.1-371.



Sec. 19.1-372. Required Conditions Matoaca Special Design District.

- A. **Building and Parking.** Buildings and parking in Matoaca Special Design District shall meet the requirements outlined in Tables 19.1-372.A.1 and 19.1-372.A.2:

**Table. 19.1-372.A.1. O and C Districts Matoaca Special Design District
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. River Road	15/G ^[2]
	c. Pickett Avenue	15/G ^[2]
	d. Other roads	15/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	7.5/A
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/B
	b. Adjacent to O, C, or I	0
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. River Road	25/G ^[3]
	c. Pickett Avenue	25/G ^[3]
	d. Other roads	15/G
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	7.5/F
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/B or 7.5/F
	b. Adjacent to O, C or I	25/B or 7.5/F
C. Building Heights (maximum) ^[4]		Lesser of 2.5 stories or 30 feet

Notes for Table 19.1-372.A.1.

[1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.

[2] The maximum setback is 25 feet with Perimeter Landscaping G in the setback.

[3] In no case shall parking be closer to the road than the front façade of the building.

[4] Height limits are subject to Article IV, Division 2.

**Table 19.1-372.A.2. I-1, I-2 and I-3 Districts Matoaca Special Design District
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	90/B
	a. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]		Lesser of 2.5 stories or 30 feet		

Notes for Table 19.1-372.A.2.

[1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.

[2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.

[3] Landscaping is not required adjacent to I-2 or I-3 District.

[4] Height limits are subject to Article IV, Division 2.

- B. **Gasoline Pumps and Associated Drives.** Gasoline pumps and associated drives shall be separated from River Road and Pickett Avenue by a building serving the facility. Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-372.A.1 and A. 2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-372.A.1 and A. 2.

C. **Other Required Conditions.**

1. **Building Size.**

- a. Churches and other places of worship, schools, libraries, fire stations or other public and semi-public buildings shall not exceed 20,000 square feet of gross floor area;
- b. Other buildings shall not exceed 8,000 square feet of gross floor area.

2. **Architecture.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:

- Facades shall not be constructed of unpainted concrete block, unfinished corrugated metal or unfinished sheet metal;
- Use of different materials on different facades shall be permitted, but inferior materials shall not be used on sides which face adjoining property;
- Facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not have architectural materials inferior in appearance or detail to any other facade of the same building or be constructed of unadorned concrete block.
- Buildings shall be compatible with the pedestrian scale and historic character of Matoaca, existing buildings in the special design district, and structures within the same block or directly across any road. Where existing buildings do not conform to architectural treatment requirements, an alternative architectural treatment or theme may be approved;
- Buildings adjacent to River Road or Pickett Avenue shall have a pedestrian entrance to, and appear to have the main entrance facing, one or more of these roads; and
- Buildings shall be compatible with late 19th or early 20th Century residential architecture. Design features shall include, but not be limited to, style, articulation, size and location of doors and windows, architectural ornamentation, and use of materials such as brick or siding on exterior walls. Roofs shall have asphalt shingles, simulated slate or standing seam metal. Use of imitation or artificial materials or elements shall be permitted provided they are similar in appearance, style, detail and design to materials used in late 19th or early 20th Century residential architecture.

3. **Lighting.** In addition to the requirements of Sec. 19.1-205, lighting shall meet the following standards:

- Freestanding lights shall not exceed a height of 20 feet; and
- Building attached lighting shall be no higher than the roofline or parapet wall.

History of Amendments	
<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94324.1

DIVISION 18. MIDLOTHIAN SPECIAL DESIGN DISTRICT

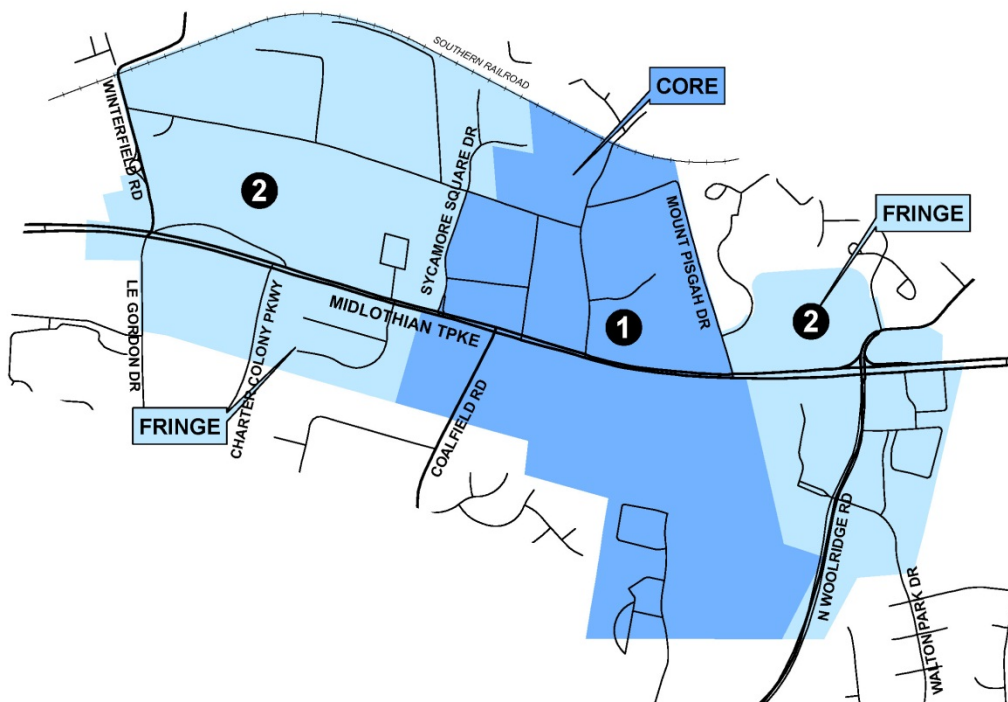
Sec. 19.1-373. Purpose and Intent of Midlothian Special Design District.

The purpose and intent of the Midlothian Special Design District is to recognize the area's cultural, architectural and historic heritage, and to maintain and reinforce the character, identity and pedestrian scale by continuing and enhancing existing development patterns.

Sec. 19.1-374. Zoning Districts and Areas of Applicability.

- A. The provisions of this division apply to O, C and I zoned property within Midlothian Special Design District.
- B. The Midlothian Special Design District shall be comprised of the following areas as shown on the zoning maps. The Midlothian Special Design District is generally the areas as shaded in Figure 19.1-374.B.:
 1. Midlothian Core; and
 2. Midlothian Fringe.

Figure: 19.1-374.B.



Sec. 19.1-375. Required Conditions Midlothian Core.

- A. **Building and Parking.** Buildings and parking in Midlothian Core shall meet the requirements outlined in Tables 19.1-375.A.1 and 19.1-375.A.2:

Table 19.1-375.A.1. O and C Districts Midlothian Core Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	15/E ^[2]
	c. Other roads	15/D ^{[3][4]}
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/A
	b. Adjacent to O, C or I	40/A or 20/B
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	[5]
	c. Other roads	25/D ^[6]
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/A
	b. Adjacent to O, C or I	40/A or 20/B
C. Building Heights (maximum) ^[7]		Lesser of 2.5 stories or 30 feet

Notes for Table 19.1-375.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The maximum setback for one building on the lot shall be 50 feet except that where one or more existing buildings on an adjoining lot are within 200 feet of the subject lot, maximum setback shall either be the average of the setbacks of the closest buildings on both sides, or, where a building is only on one side, the average of the setback of the closest building and 50 feet. Provided, however, that in no case shall the maximum setback be less than 15 feet. Perimeter Landscaping E shall be planted in the setback.
- [3] The maximum setback for one building on the lot shall be 25 feet.
- [4] The minimum setback shall be increased where one or more existing buildings on an adjoining lot are within 200 feet of the subject lot, to the average of the setbacks of the closest buildings on both sides, or, if a building is only on one side, the average of the setback of the closest building and 15 feet. Provided, however, in no case shall the setback be less than 15 feet or more than 25 feet. Perimeter Landscaping D shall be planted in the setback.
- [5] The minimum setback shall either be 20 feet behind the front line of the building with the least setback on the lot with Perimeter Landscaping E in the setback, provided that drives need not be set back more than 50 feet, or the front line of building with the least setback on the lot with Perimeter Landscaping F planted in the setback. If there is no building on the lot, the minimum setback for drives and parking shall be 20 feet behind the maximum permitted setback for one building on the lot as provided in Footnote 2 with Perimeter Landscaping F planted in the setback.
- [6] This setback may be reduced to the front line of the building with the least setback on the lot with Perimeter Landscaping F in the setback.
- [7] Height limits are subject to Article IV, Division 2.

**Table 19.1-375. A.2. I-1, I-2 and I-3 Districts Midlothian Core
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]		Lesser of 2.5 stories or 30 feet		

Notes for Table 19.1-375.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.

B. **Gasoline Pumps and Associated Drives Standards.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-375.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-375.A.1 and A.2.

C. **Other Required Conditions.**

1. **Architecture.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:

- Facades shall not be constructed of unpainted concrete block, unfinished corrugated metal or unfinished sheet metal. In addition, facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not be constructed of unadorned concrete block;
- A façade shall not consist of architectural materials inferior in quality, appearance or detail to any other façade, except that use of different materials on different facades shall be permitted;
- Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses, and possess architectural variety while still maintaining compatibility with existing structures, especially those of high historic interest. Buildings shall enhance an overall cohesive character as reflected in existing structures through the use of design elements including, but not limited to: materials, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines, or other appurtenances such as lighting fixtures and landscaping.

2. **Lighting.** In addition to the requirements of Section 19.1-205, lighting shall meet the following standards:

- Freestanding lights shall not exceed a height of 20 feet; and
- Building attached lighting shall be no higher than the roofline or parapet wall.

Sec. 19.1-376. Required Conditions Midlothian Fringe.

- A. **Building and Parking.** Buildings and parking in Midlothian Fringe shall meet the requirements outlined in Tables 19.1-376.A.1 and 19.1-376.A.2:

Table 19.1-376.A.1. O and C Districts Midlothian Fringe Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	50/E ^[2]
	c. Other roads	25/D
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/A
	b. Adjacent to O, C or I	40/A or 20/B
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	^[3]
	c. Other roads	^[4]
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/A
	b. Adjacent to O, C or I	40/A or 20/B
C. Building Heights (maximum) ^[5]		Lesser of 3 stories or 45 feet ^[6]

Notes for Table 19.1-376.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The minimum setback shall be increased, where the setback is greater than 50 feet for one or more existing buildings within 200 feet of the subject lot, to the average of the setbacks of such buildings on both sides, or, if a building is only on one side, the average of the setback of that building and 50 feet. Perimeter Landscaping E shall be planted in the setback.
- [3] The minimum setback shall be no less than the front line of the building with the least setback on the lot, or, if there is no building, 50 feet. Perimeter Landscaping E shall be planted in the setback.
- [4] The minimum setback shall be no less than the front line of the building with the least setback on the lot, or, if there is no building, 25 feet. Perimeter Landscaping D shall be planted in the setback.
- [5] Height limits are subject to Article IV, Division 2.
- [6] Within 200 feet of an R district, the height shall not exceed the lesser of 2.5 stories or 30 feet unless there is an existing dwelling more than 2.5 stories within 100 feet of the common boundary with the R district, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

**Table 19.1-376.A.2. I-1, I-2 and I-3 Districts Midlothian Fringe
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]		Lesser of 3 stories or 45 feet ^[5]		

Notes for Table 19.1-376.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2.5 stories or 30 feet unless there is an existing dwelling more than 2.5 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

B. **Gasoline Pumps and Associated Drives Standards.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-376.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-376.A.1 and A.2.

C. **Other Required Standards.**

1. **Architecture.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:

- A façade shall not consist of architectural materials inferior in quality, appearance or detail to any other façade, but use of different materials on different facades shall be permitted;
- Façades visible to a road or R, R-TH, R-MF, MH, A or O property shall not be constructed of unadorned cinder block, unfinished corrugated metal or unfinished sheet metal; and
- Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses, and possess architectural variety while still maintaining compatibility with existing structures, especially those of high historic interest. Buildings shall enhance an overall cohesive character as reflected in existing structures through the use of design elements including, but not limited to: materials, balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines, or other appurtenances such as lighting fixtures and landscaping.

2. **Lighting.** In addition to the requirements of Sec. 19.1-205, lighting shall meet the following standards:

- Freestanding lights shall not exceed a height of 20 feet; and
- Building attached lighting shall be no higher than the roofline or parapet wall.

History of Amendments	
<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94302.1

DIVISION 19. NORTHERN JEFFERSON DAVIS HIGHWAY DESIGN DISTRICT

Sec. 19.1-377. Purpose and Intent of Northern Jefferson Highway Design District.

The purpose and intent of the Northern Jefferson Davis Highway Design District is to recognize the opportunities to shape patterns of development in accordance with the goals, guidelines, and recommendations of the Northern Jefferson Davis Special Area Plan. The requirements are designed to enhance the quality, appearance and functions of development along Jefferson Davis Highway and connecting roads and to foster the creation of a higher density and pedestrian-friendly environment.

(Ordinance of 8-22-18)

Sec. 19.1-378. Zoning Districts and Area of Applicability.

The provisions of this division apply to O, C and I zoned property in the Northern Jefferson Davis Highway Design District as shown on the zoning maps. The Northern Jefferson Highway Design District is generally the areas as shaded in Figure 19.1-378.

(Ordinance of 8-22-18)

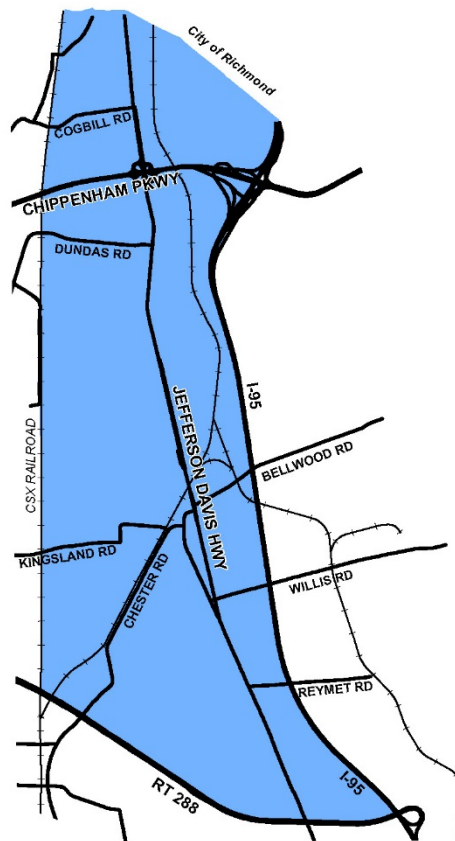


Figure: 19.1-378.

C. Other Required Conditions.

OOO

11. **Deck Parking.** Deck parking structures shall have permitted residential, commercial or office uses located along the ground floor or be located behind another building located on the lot.*

OOO

*Editor's Note: Code amendment of October 23, 2019 mistakenly amended Section 19.1-378 instead of Section 19.1-379.

Sec. 19.1-379. Required Conditions Northern Jefferson Davis Highway Design District.

- A. **Building and Parking.** Buildings and parking in Northern Jefferson Davis Highway Design District shall meet the requirements outlined in Tables 19.1-379.A.1 and 19.1-379.A.2:

Table. 19.1-379.A.1. O and C Districts Northern Jefferson Davis Highway Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Collector or major arterial	15/J ^[2]
	c. Other roads	8/J ^[2]
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	25/B ^[3]
	b. Adjacent to O, C or I	0 ^[4]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	25B ^[3]
	b. Adjacent to O, C, or I	0 ^[4]
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	15/J ^{[5][6][7]}
	c. Other roads	15/J ^{[5][6][7]}
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	^[3]
	b. Adjacent to O, C or I	0 ^[4]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	^[3]
	b. Adjacent to O, C or I	0 ^[4]
C. Building Heights (maximum) ^[8]		Lesser of 3 stories or 45 feet ^{[9][10]}

Notes for Table 19.1-379.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] Setback must be sufficient to allow for required improvements to include sidewalks, bikeways, landscaping, street trees and streetlights.
- [3] Setback shall meet the provisions for buffers as provided in Table 19.1-263.A.1.b. or listed setback.
- [4] Except where adjacent to I districts, for lots having a use first permitted in the C-5 district the setback shall either be 25 feet with perimeter landscaping J or 15 feet with a 6 foot masonry wall along the property line, with upward growing evergreen trees planted 10 feet on center for the length of the wall.
- [5] Where buildings are constructed along an external road, no more than one row of parking and associated drive shall be located between the road and the building. For internal roads, no parking shall be provided between buildings and the road.
- [6] Except as provided for the single row of parking in footnote 5, parking shall be set back no closer than the front facade of the building it serves and be located behind architectural and/or landscaping features. Decorative architectural and/or landscaping features shall be designed to reduce open views of parking from the road and include improvements which accommodate pedestrian travel across storefronts, between buildings, and between sites.
- [7] For parking areas accommodating recreational equipment, tractor trailers, or motor vehicles, the setback for spaces shall be increased to 50 feet
- [8] Height limits are subject to Article IV, Division 2.
- [9] Subject to Footnote 5, the height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, but within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.
- [10] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

Table 19.1-379.A.2. I-1, I-2 and I-3 Districts Northern Jefferson Davis Highway Design District
Building and Parking Required Conditions

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	25/J ^[2]	60/B	60/B
	c. Other roads	25/J ^[2]	60/B	60/B
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	[3]	[3]	[3]
	b. Adjacent to O, C or I	15/J ^[2] [4]	30/J ^[2] [4]	30/J ^[2] [4]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	[3]	[3]	[3]
	b. Adjacent to O, C or I	30/J ^[2] [4]	30/J ^[2] [4]	30/J ^[2] [4]
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/B or 25/J ^[5]	50/B or 25/J ^[5]	50/B or 25/J ^[5]
	c. Other roads	15/J ^[5]	15/J ^[5]	15/J ^[5]
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	[3] ^[5]	[3]	[3]
	b. Adjacent to O, C or I	15/J ^[4] [6]	15/J ^[4] [6]	15/J ^[4] [6]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	[3] ^[5]	[3]	[3]
	b. Adjacent to O, C or I	15/J ^[4] [6]	15/J ^[4] [6]	15/J ^[4] [6]
C. Building Heights (maximum) ^[7]				
1. I-1 District		Lesser of 3 stories or 50 feet ^[8] [9]		
2. I-2 and I-3 District		150 feet ^[8] [9]		

Notes for Table 19.1-379.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each foot the building exceeds 45 feet in height.
- [3] Setbacks shall correlate with that required for buffers as provided Table 19.1-263.A.1.b.
- [4] Perimeter landscaping is not required adjacent to I-2 or I-3 District.
- [5] For parking areas accommodating recreational equipment, tractor trailers, or motor vehicles, the setback for spaces shall be increased to 50 feet with Perimeter Landscaping B planted within the setback.
- [6] Except where adjacent to I-2 or I-3 districts, for parking areas accommodating recreational equipment, tractor trailers, or motor vehicles, the setback shall be increased to 30 feet with Perimeter Landscaping J.
- [7] Height limits are subject to Article IV, Division 2.
- [8] Subject to Footnote 9, height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, but within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, the height shall not exceed lesser of 3 stories or 50 feet.
- [9] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet, unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to height of the dwelling, but not more than the maximum permitted height.

B. Drive-in or Drive Through Facilities, Gasoline Pumps and Associated Drives. Except as provided herein, drive-in or drive through facilities and gasoline pumps shall not be located between a building and the road. Gasoline pumps and associated drives shall meet the setback requirements for parking. The director of planning may permit location of gasoline pumps between building and a collector or arterial road where pump canopies are architecturally compatible with the building and the view of pumps from roads is minimized by 3 to 4 foot high decorative walls, fencing, evergreen hedges or a combination thereof. Hedges shall be maintained at a height of 3 to 4 feet.

C. Other Required Conditions.

1. **Architecture Generally.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:
 - a. Facades visible from a road or from property that is zoned, or designated on the comprehensive plan for residential use shall not be constructed of unadorned concrete block, corrugated metal or sheet metal; and
 - b. Use of different materials on different facades shall be permitted, but architectural materials inferior in quality, appearance or detail to any other facade on the same building shall not be used. The director of planning may permit use of inferior materials on a portion of facade where determined such portion is not visible by the public from on or off-site.

2. **Building Design.** Buildings along a road shall incorporate features that contribute to a street-focused, pedestrian-scale development style to include, but not be limited to, the following:
 - a. Any building along a public or private road shall architecturally front, and have main entrances that face, such road. For corner lots this shall apply to only one such road.
 - b. The first floor of any building shall incorporate storefront windows and pedestrian entrances facing the road. Pedestrian entrances shall either connect directly to the sidewalk along the road or to a sidewalk that connects to the sidewalk along the road; and
 - c. Where building lengths exceed 250 feet, buildings shall provide breezeways or similar designs to accommodate pedestrian access to parking located to rear of building. The director of planning may grant relief to this provision where it is determined that the intent to provide frequent and reasonable pedestrian access through or across sites is provided through other design means.
3. **Sidewalks and Pedestrian Amenities Generally.** Sidewalk and pedestrian ways shall be provided along roads, from parking areas to uses and as pedestrian connections from projects to adjacent development and sidewalks along roads. Exact location, treatment, design and use of sidewalks and pedestrian amenities shall be determined at time of plan review. Prior to plan approval, easements, acceptable to the Planning Department shall be recorded across such improvements to allow public use.
4. **Uses Permitted in Hardscaped Pedestrian Areas.** Hardscaped pedestrian areas may be located within required setbacks between buildings and roads. Such areas shall not encroach onto required sidewalks or bikeways. Hardscaped pedestrian areas shall be designed to facilitate, and include amenities to support, outdoor gatherings and activity such as dining, temporary vendors, civic or community events or seating areas. The areas may also include, but are not limited to, pedestrian amenities such as foundation plantings, street furnishings, benches, bike racks and trash receptacles.
5. **Road network arrangement.** Roads and private pavement serving the development shall be arranged so as to accommodate a pedestrian friendly street focused environment and meet the following:
 - a. Roads and private pavement shall be arranged in an interconnected grid pattern of walkable blocks;
 - b. Blocks shall have a maximum length of 400 feet, or provide pedestrian short cuts at mid-block locations to facilitate foot traffic between parallel roads;
 - c. Arrangement shall accommodate amenities to include sidewalks, bikeways, street trees, pedestrian street lighting, pedestrian crosswalks, and on-street parking; and

- d. These improvements shall be developed in conjunction with projects they are intended to serve.

6. Road and Private Pavement Design

- a. Roads, unless otherwise specified by VDOT, and private pavement shall have concrete curb and gutter. Roads that accommodate general traffic circulation, as determined by the director of transportation, shall be designed, and constructed to, VDOT standards and taken into the state system; and
 - b. Roads and private pavement with on-street parallel parking shall narrow at intersections to the minimum width necessary to accommodate the travel lanes of the associated road or private pavement and the narrowed portion shall include a tangent length sufficient to accommodate the width of a crosswalk perpendicular to the curb line.
7. **Bikeways.** In addition to the bikeways required by Sec. 19.1-208, bikeways shall be provided throughout projects to connect uses, open spaces, and common areas within the project. If approved by VDOT, such facilities should be located within right-of-way, otherwise the facilities shall be located in a public easement which establishes maintenance provisions by underlying owner, owner's association or other parties as approved at time of plan review. If the development is located adjacent to a bikeway required by Sec. 19.1-208., bikeway(s) shall be provided to connect to those shown on the Plan as well as to adjacent property, nearby public facilities, and other nearby projects, as determined at the time of plan review.
8. **Street Trees.** Except as provided herein street trees shall be provided in accordance with Sec. 19.1-252. Within sidewalks and other hardscaped areas tree wells shall be grated. Unless otherwise approved at the time of site plan review, the same species shall be used along a road and within a project and maintenance of such trees shall be provided by adjacent owner. If approved at time of plan review, large deciduous trees as required to meet perimeter landscaping requirement along a road may be located and arranged so as to serve as street trees.
9. **Exterior Lighting.** In addition to the requirements of Section 19.1-205., the following standards shall be met:
- a. Streetlights. Within required setbacks along roads, pedestrian scale streetlights shall be installed as follows:
 - Streetlights shall be designed to enhance the pedestrian character of the design district and be compatible with development standards of the district. The design of fixtures, poles and lamps shall be consistent along a road;
 - Streetlights shall be spaced generally 60 feet on center and be located a maximum of 5 feet from right-of-way unless otherwise approved through plan review; and
 - Fixture mounting heights shall be limited to 12 to 15 feet above the finished grade.

b. **Other Exterior Lighting.** With the exception of pedestrian scale streetlights, exterior lighting shall comply with the following:

- Exterior lighting shall be designed to enhance the character of the design district and be compatible with development standards of the district;
- Freestanding lights shall not exceed a height of 20 feet above finished grade; and
- Building mounted lights shall be no higher than the roofline or parapet wall.

10. **Shared Cross Access.** Direct and convenient onsite vehicular circulation and reciprocal access between properties shall be provided. The intent is to require shared access drives located to the front or rear of buildings fronting Jefferson Davis Highway.

11. **Deck Parking.** Deck parking structures shall either have commercial or office uses located along the ground floor or be located behind another building located on the lot.

(Ordinance of 8-22-18)

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	
8/22/2018	2	Northern Jefferson Davis Highway Design District	112805.1
10/23/2019	3	Version Not Used	
10/23/2019	4	Route 1 Residential Overlay	115877.1

DIVISION 20. ROUTE 10 EAST DESIGN DISTRICT

Sec. 19.1-380. Purpose and Intent of Route 10 East Design District.

The purpose and intent of the Route 10 East Design District is to provide architectural standards that reinforce and complement area development.

Sec. 19.1-381. Zoning Districts and Area of Applicability.

The provisions of this division apply to O, C and I zoned property in the Route 10 East Design District as shown on the zoning maps. Route 10 East Design District is generally the area as shaded in Figure 19.1-381.

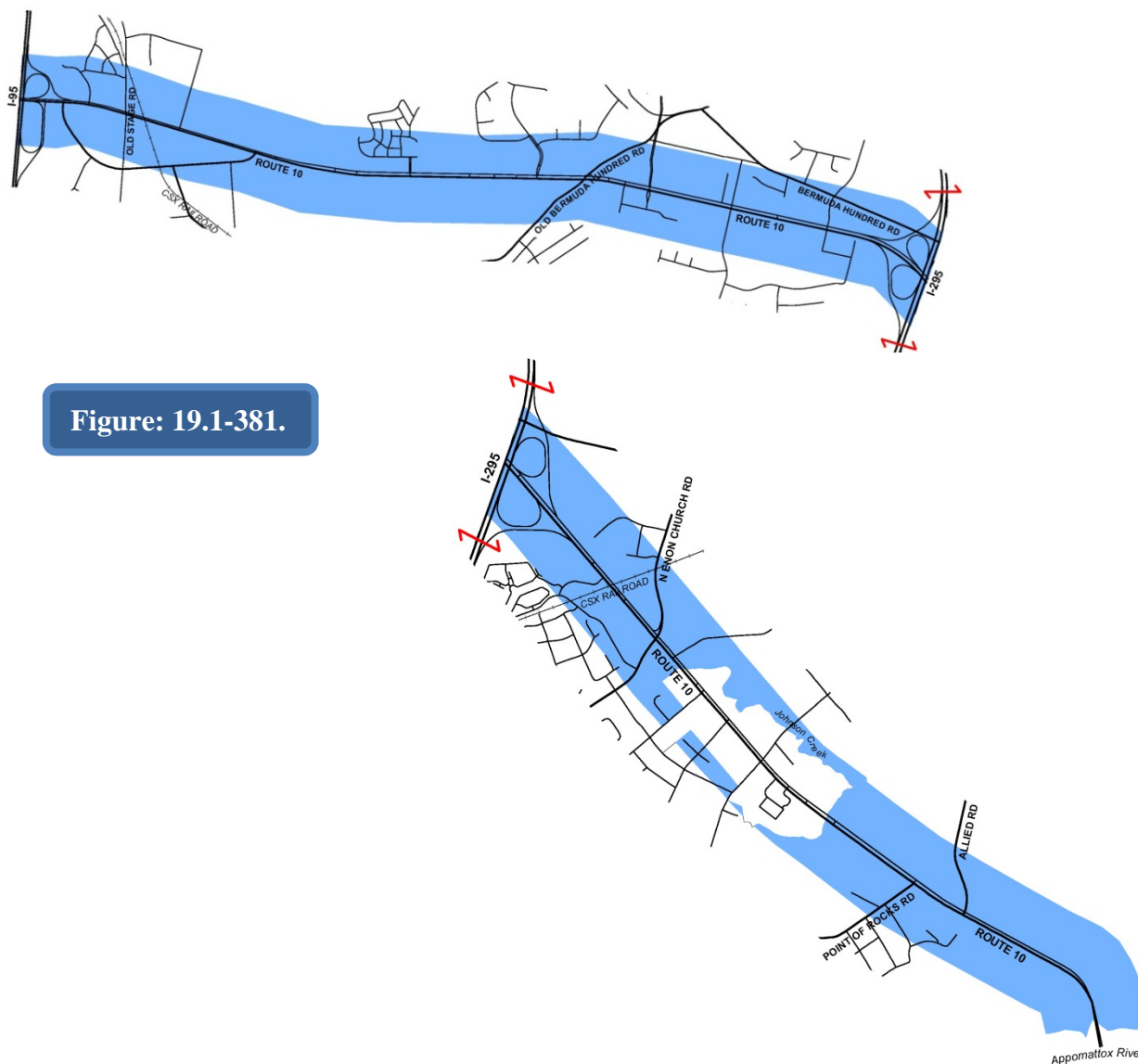


Figure: 19.1-381.

Sec. 19.1-382. Required Conditions Route 10 East Design District.

- A. **Building and Parking.** Buildings and parking in Route 10 East Design District shall meet the requirements outlined in Tables 19.1-382.A.1 and 19.1-382.A.2.

Table. 19.1-382. A.1. O and C Districts Route 10 East Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Route 10	30/J
	c. Other major arterials	75/B or 50/C
	d. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Route 10	40/J ^[3]
	c. Other major arterials	75/B or 50/C
	d. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C
	b. Adjacent to O, C or I	40/C or 20/B
C. Building Height (maximum) ^[4]		Lesser of 3 stories or 45 feet ^{[5][6]}

Notes for Table 19.1-382.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Except for drives serving drive-in facilities, parking shall not be located any closer to Route 10 than the face of the building. Drives serving drive thru facilities may be located 30 feet from Route 10.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Subject to Footnote 6, height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, but within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.
- [6] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

**Table 19.1-382.A.2. I-1, I-2 and I-3 Districts Route 10 East Design District
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Route 10	30/J	30/J	30/J
	c. Other major arterials	70/B or 50/C	75/B	90/B
	d. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Route 10	40/J ^[4]	40/J ^[4]	40/J ^[4]
	c. Other major arterials	70/B or 50/C	75/B	75/B
	d. Other roads	40/A or 25/C	40/A	40/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[5]				
1. I-1 District		Lesser of 3 stories or 50 feet ^{[6][7]}		
2. I-2 and I-3 District		150 feet ^{[7][8]}		

Notes for Table 19.1-382.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Except for drives serving drive-thru facilities, parking shall not be located any closer to Route 10 than the face of the building. Drives serving drive-in facilities may be located 30 feet from Route 10.
- [5] Height limits are subject to Article IV, Division 2.
- [6] Subject to Footnotes 6 and 7, height of offices and hotels may be increased to the lesser of 12 stories or 120 feet
- [7] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.
- [8] Within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed the lesser of 3 stories or 50 feet.

B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-382.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-382.A.1 and A.2.

C. **Other Required Conditions.**

1. **Architecture.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:

- Facades shall not be constructed of unfinished sheet metal;
- Facades constructed of concrete block shall have an adorned face except for smooth-faced block accents, all of which shall be integrally colored, painted or stained;
- Facades constructed of corrugated metal shall be pre-finished and used in context with a masonry wall that extends a minimum height of 4 feet above the first floor elevation excluding windows;
- Facades visible to the public or adjacent property shall be constructed of architectural materials consistent in quality, appearance and detail, but different materials may be used on different facades and in amounts that may vary from façade to façade;
- Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses; and
- Architectural treatment of buildings shall be compatible with the best architectural examples of buildings located within the same project, block, or directly across any road. Where existing buildings do not conform to architectural treatment requirements, an alternative architectural treatment or theme may be approved.

2. **Internal Circulation.** Direct and convenient onsite vehicular circulation and reciprocal access between properties shall be provided. The intent is to require shared access drives located to the rear of buildings that front Route 10.

History of Amendments	
<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94304.1

DIVISION 21. ROUTE 360 EAST DESIGN DISTRICT

Sec. 19.1-383. Purpose and Intent of Route 360 East Design District.

The purpose of the Route 360 East Design District is to recognize the area as unique, and to enhance patterns of development.

Sec. 19.1-384. Zoning Districts and Areas of Applicability.

A. The provisions of this division apply to O, C and I zoned property in the Route 360 East Design District.

B. The Route 360 East Design District shall be comprised of the following areas as shown on the zoning maps. The Route 360 East Design District is generally the areas as shaded in Figure 19.1-384.B.:

1. Established Commercial Area A;
2. Established Commercial Area B;
3. Village Center;
4. Corridor Focus; and

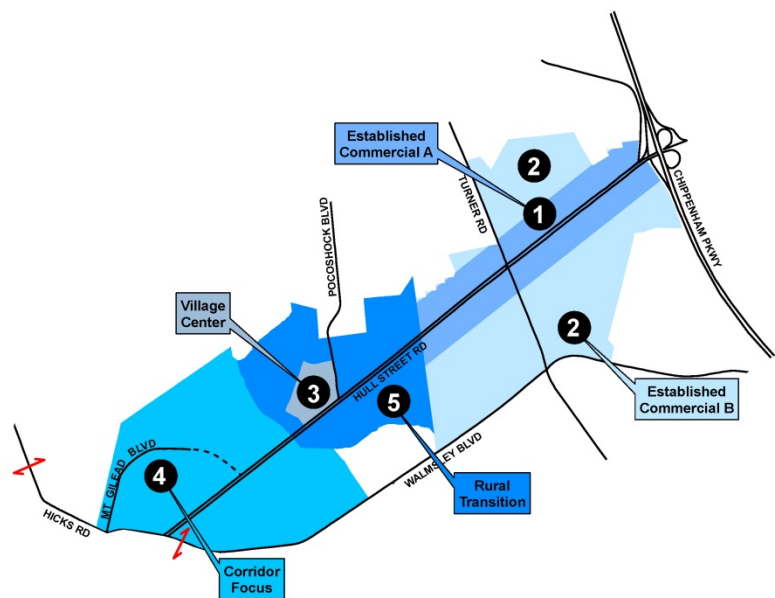
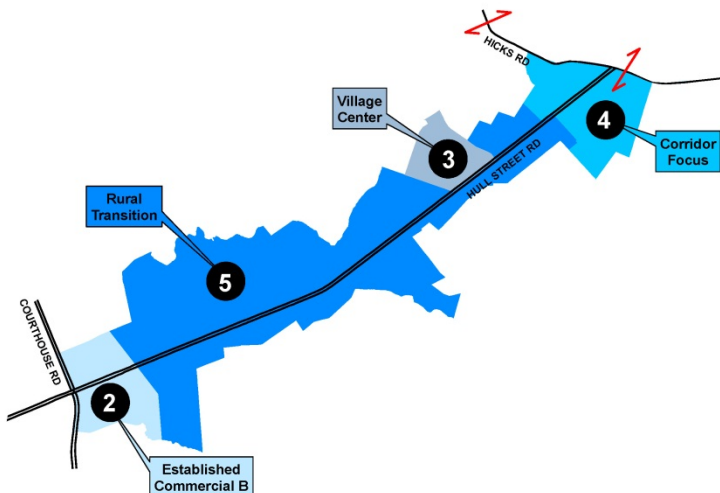


Figure: 19.1-384.B.



Sec. 19.1-385. Required Conditions Route 360 East Established Commercial Area A.

- A. **Building and Parking.** Buildings and parking in Route 360 East Established Commercial Area A shall meet the requirements outlined in Tables 19.1-385.A.1 and 19.1-385.A.2:

Table. 19.1-385. A.1. O and C Districts Route 360 East Established Commercial Area A Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	25/K
	c. Other roads	25/K
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	20 ^[2]
	b. Adjacent to O, C or I	0 ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	20 ^[2]
	b. Adjacent to O, C, or I	20 ^[2]
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	25/K
	c. Other roads	15/K
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	0
	b. Adjacent to O, C or I	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	0
	b. Adjacent to O, C or I	0
C. Building Heights (maximum) ^[3]		Lesser of 3 stories or 45 feet ^{[4][5]}

Notes for Table 19.1-385.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Height limits are subject to Article IV, Division 2.
- [4] Subject to Footnote 5, height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, but within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, then the height shall not exceed lesser of 3 stories or 50 feet.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

Table 19.1-385.A.2. I-1, I-2 and I-3 Districts Route 360 East Established Commercial Area A Building and Parking Required Conditions

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	25/K	60/K	90/K
	c. Other roads	25/K	60/K	90/K
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	20 ^[2]	20 ^[2]	20 ^[2]
	b. Adjacent to O, C or I	0 ^[2]	10 ^[2]	10 ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	20 ^[2]	20 ^[2]	20 ^[2]
	b. Adjacent to O, C or I	20 ^[2]	20 ^[2]	20 ^[2]
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	25/K	50/K	50/K
	c. Other roads	15/K	15/K	15/K
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	0	0	0
	b. Adjacent to O, C or I	0	0	0
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	0	0	0
	b. Adjacent to O, C or I	0	0	0
C. Building Heights (maximum) ^[3]				
1. I-1 District		Lesser of 3 stories or 50 feet ^{[4][5]}		
2. I-2 and I-3 District		150 feet ^{[5][6]}		

Notes for Table 19.1-385.A.2.

[1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.

[2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.

[3] Height limits are subject to Article IV, Division 2.

[4] Subject to Footnotes 5 and 6, height of offices and hotels may be increased to the lesser of 12 stories or 120 feet.

[5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

[6] Within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.

B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-385.A.1. and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-385.A.1. and A.2.

C. **Other Required Conditions.**

Architecture. In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:

- Building facades visible from a road shall not be constructed of unadorned concrete block, unfinished corrugated metal or unfinished sheet metal; and
- Buildings within the same block or directly across a road shall have a compatible architectural treatment.

Sec. 19.1-386. Required Conditions Route 360 East Established Commercial Area B, Village Center and Corridor Focus.

- A. **Building and Parking Standards.** Buildings and parking in Route 360 East Established Commercial Area B, Village Center and Corridor Focus shall meet the requirements outlined in Tables 19.1-386.A.1 and 19.1-386.A.2:

Table. 19.1-386.A.1. O and C Districts Route 360 East Established Commercial Area B, Village Center and Corridor Focus Building and Parking Required Conditions

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	50/K
	c. Other roads	25/K
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	50/K
	c. Other roads	25/K
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C
	b. Adjacent to O, C or I	40/C or 20/B
C. Building Heights (maximum) ^[3]		Lesser of 3 stories or 45 feet ^{[4] [5]}

Notes for Table 19.1-386.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Height limits are subject to Article IV, Division 2.
- [4] Subject to Footnote 5, height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, but within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

**Table 19.1-386.A.2. I-1, I-2 and I-3 Districts Route 360 East Established Commercial Area B, Village Center and Corridor Focus Corridor
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/K	75/K	90/K
	c. Other roads	25/K	60/K	90/K
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	50/K	75/K	75/K
	c. Other roads	25/K	40/K	40/K
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]				
1. I-1 District		Lesser of 3 stories or 50 feet ^{[5][6]}		
2. I-2 and I-3 District		150 feet ^{[6][7]}		

Notes for Table 19.1-386.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Subject to Footnotes 6 and 7, height of offices and hotels may be increased to the littlest of 12 stories or 120 feet.
- [6] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet, unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to height of the dwelling, but not more than the maximum permitted height.
- [7] Within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.

B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-386.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-386.A.1 and A.2.

C. **Other Required Conditions.**

Architecture and Site Design. In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:

a. Architectural Materials Generally.

- Facades shall not be constructed of unpainted concrete block, corrugated metal or sheet metal;
- Use of different materials on different facades shall be permitted, but inferior materials shall not be used on sides which face adjoining property; and
- Facades visible to a road or R, R-TH, R-MF, MH, A or O property shall not consist of architectural materials inferior in quality, appearance or detail to any other facade of the same building or be constructed of unadorned concrete block.

b. Architectural Compatibility Generally. Buildings within the same block or directly across a road shall have compatible architectural treatments.

c. Village Center Area. In the village center area, the following additional conditions shall be met:

- 1) Internal roads and drives shall be designed in a grid circulation system;
- 2) Parking areas shall be limited to 2 bays with a drive, unless modified during site plan review. If modified, the design shall not permit large expanses of parking areas;
- 3) Sidewalks, street trees, and street lights which are designed in keeping with the pedestrian oriented character of the village center shall be provided along roads and drives to increase the aesthetic appeal, to encourage high quality development, to provide shade and safety for pedestrians, and to improve the quality of the environment. Sidewalk connections to adjacent property and neighborhoods shall be required, but sidewalks directly parallel to and adjacent to Route 360 shall be discouraged;
- 4) A rectangular area of approximately 1.5 acres with no dimension less than 150 feet shall be recorded in an open space easement for public and semi-public uses, such as area civic association events, special commercial events, or cultural activities. The area shall be designed to be used for such activities and not primarily for SWM/BMP facilities. The area shall incorporate benches for public seating and at least one of the following: gazebo/bandstand, fountain, sculpture, statuary, or other feature. Buildings

shall not be separated from the easement by more than 2 rows of parking spaces and associated drive and sidewalks. Buildings which are clustered around the easement and positioned to define the easement shall be permitted to reduce the setback from Route 360 to 25 feet;

- 5) Buildings shall have an architectural style compatible with surrounding residential neighborhoods. There shall be no visible flat or shed roofs; and
 - 6) Individual buildings shall not exceed a ground floor area of 2,000 square feet unless design features such as, but not limited to, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation or varied rooflines are incorporated to create the appearance of several small buildings clustered together.
- d. Corridor Focus. In the Corridor Focus area located between Hicks Road, Route 360 and the collector road as shown on the comprehensive plan (Mt. Gilead Boulevard extended), the following additional conditions shall be met:
- 1) A driveway or road that has a design characteristic of a small town historic main street shall be provided. Sidewalks, street trees, and street lights which are designed in keeping with the pedestrian oriented character of the corridor focus shall be installed along the road or driveway to increase the aesthetic appeal, to encourage high quality development, to provide shade and safety for pedestrians, and to improve the quality of the environment;
 - 2) A rectangular area of approximately 0.5 acres or more shall be recorded in an open space easement for public and semi-public uses, such as area civic association events, special commercial events, or cultural activities. This area shall be designed as a usable "hardscaped" plaza to accommodate events and activities. Buildings shall front the sidewalk and plaza area. If a library or other public facility is located within the development, such use(s) shall be located adjacent to, or within, 300 feet of the open space easement and connected to the easement by a sidewalk;
 - 3) Vehicular and pedestrian access shall be provided between buildings similar to city blocks. The design shall facilitate pedestrian and vehicular access between the uses oriented toward Route 360 and the uses oriented toward the collector road as shown on the comprehensive plan (Mt. Gilead Boulevard extended). Sidewalks, street trees and street lights shall be installed along the vehicular access. Buildings shall be designed to front along these vehicular/pedestrian access features with entrances, display windows, and other features to encourage pedestrian activity;
 - 4) Buildings shall front, and have entrances toward, the collector road as shown on the comprehensive plan (Mt. Gilead Boulevard extended), and buildings fronting the collector road shall back up to buildings oriented toward Route 360, such that loading and service areas are accommodated between buildings; and

- 5) At the intersection of Hicks Road and Route 360, an architecturally significant building shall be constructed. Either a minimum 50 foot high bell tower, clock tower or other vertical element shall either be incorporated into, or be adjacent to the architecturally significant building, or space shall be dedicated to others to accommodate the construction of such. The clock tower, bell tower, or other vertical element shall be located within 25 feet of Route 360. There shall be no signs permitted on the structure.

Sec. 19.1-387. Required Conditions Rural Transition.

- A. **Building and Parking.** Buildings and parking in the Rural Transition shall meet the requirements outlined in Tables 19.1-387.A.1 and 19.1-387.A.2:

Table. 19.1-387. A.1. O and C Districts Rural Transition Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C
	b. Adjacent to O, C or I	40/C or 20/B
C. Building Heights (maximum) ^[3]		Lesser of 3 stories or 45 feet ^[4] ^[5]

Notes for Table 19.1-387.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Height limits are subject to Article IV, Division 2.
- [4] Subject to Footnote 5, height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, but within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.

**Table. 19.1-387. A.2. I-1, I-2 and I-3 Districts Rural Transition
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	75/B
	c. Other roads	40/A or 25/C	40/A	40/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]				
1. I-1 District		Lesser of 3 stories or 50 feet ^{[5][6]}		
2. I-2 and I-3 District		150 feet ^{[6][7]}		

Notes for Table 19.1-387.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Subject to Footnotes 6 and 7, height of offices and hotels may be increased to the lesser of 12 stories or 120 feet.
- [6] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to height of the dwelling, but not more than the maximum permitted height.
- [7] Within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.

B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-387.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-387.A.1 and A.2.

C. **Other Required Conditions.**

1. **Architecture.** In addition to the requirements of Sec. 19.1-317, buildings shall meet the following architectural requirements:
 - Facades shall not be constructed of unpainted concrete block, corrugated metal or sheet metal;
 - A façade shall not consist of architectural materials inferior in quality, appearance or detail to any other façade, but use of different materials on different facades shall be permitted;
 - Facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not have architectural materials inferior in appearance or detail to any other facade of the same building or be constructed of unadorned concrete block;
 - Buildings within the same block or directly across a road shall have a compatible architectural treatment; and
 - Buildings shall have an architectural style compatible with surrounding residential neighborhoods. There shall be no visible flat or shed roofs.
2. The interior parking area landscaping required in Sec. 19.1-254 shall be aggregated into large areas within the parking area rather than dispersed throughout the parking area.

History of Amendments	
<u>Date</u>	<u>Document #</u>
Adopted 6/24/2015	94305.1

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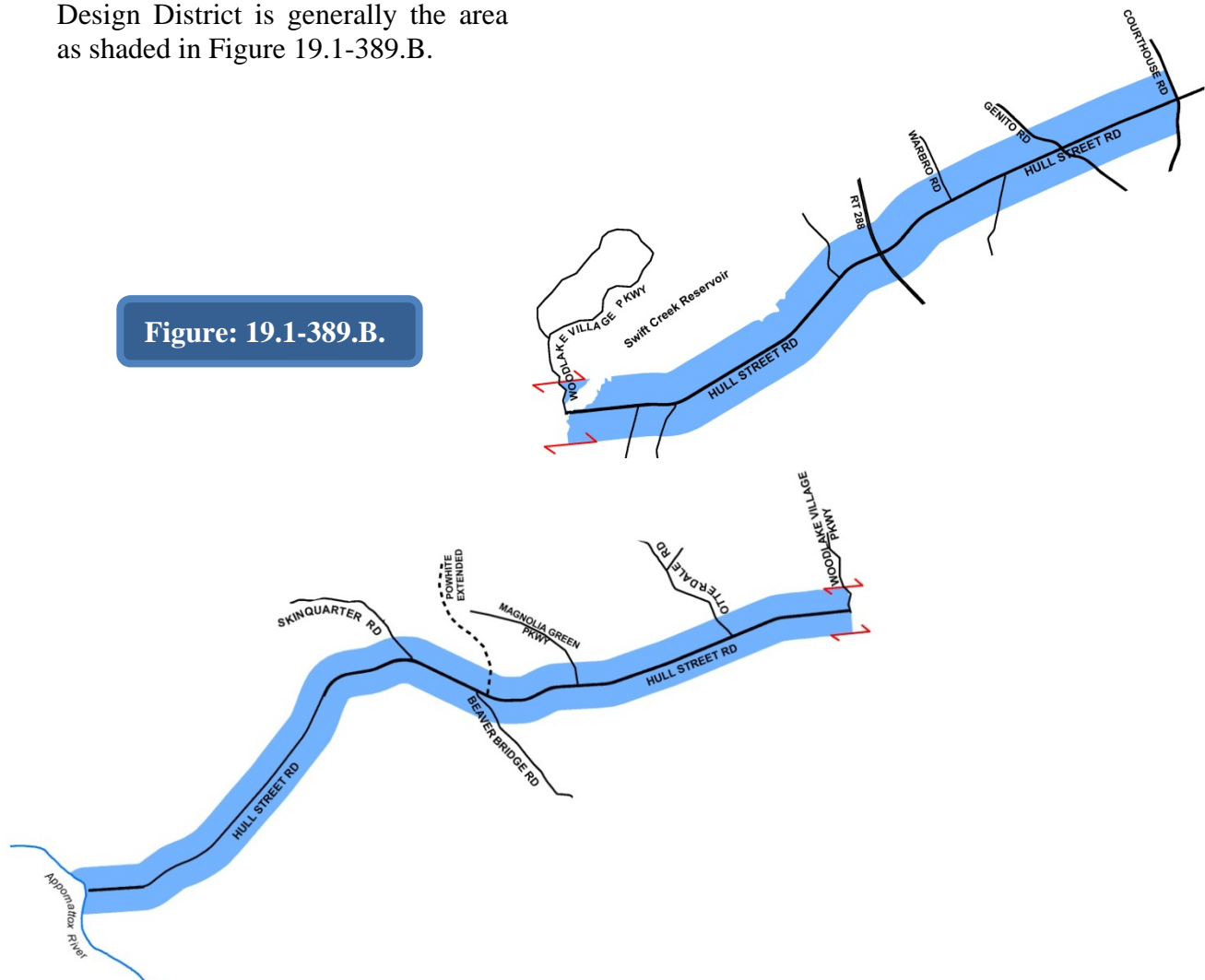
DIVISION 22. ROUTE 360 WEST DESIGN DISTRICT

Sec. 19.1-388. Purpose and Intent Route 360 West Design District.

The purpose of the Route 360 West Corridor District is to recognize the area as unique and to enhance patterns of development.

Sec. 19.1-389. Zoning Districts and Areas of Applicability.

- A. The provisions of this division apply to O, C and I zoned property within the Route 360 West Design District.
- B. The Route 360 West Design District shall be comprised of an area extending from the centerline of Courthouse Road to the Amelia County line. The width of the district is a minimum of 1500 feet north and south of the centerline of Hull Street Road, but if the project extends further the requirements apply to the entire project as shown on the zoning maps. The Route 360 West Design District is generally the area as shaded in Figure 19.1-389.B.



Sec. 19.1-390. Required Conditions Route 360 West Design District.

- A. **Building and Parking Standards.** Buildings and parking in Route 360 West Design District shall meet the requirements outlined in Tables 19.1-390.A.1 and 19.1-390.A.2:

Table. 19.1-390. A.1. O and C Districts Route 360 West Design District Building and Parking Required Conditions		
A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]
B. Parking Setbacks(feet) ^[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C
	b. Adjacent to O, C or I	40/C or 20/B
C. Building Heights (maximum) ^[3]		Lesser of 3 stories or 45 feet ^[4] [5]

Notes for Table 19.1-390.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks—Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Height limits are subject to Article IV, Division 2.
- [4] Subject to Footnote 5, height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, but within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to height of the dwelling, but not more than the maximum permitted height.

**Table 19.1-390.A.2. I-1, I-2 and I-3 Districts Route 360 West Design District
Building and Parking Required Conditions**

A. Building Setbacks (feet) ^[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]	30/A ^[2]	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]	30/A ^{[2][3]} or 10/B ^{[2][3]}	30/A ^{[2][3]} or 10/B ^{[2][3]}
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]	40/C ^[2]	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]	40/C ^{[2][3]} or 20/B ^{[2][3]}	40/C ^{[2][3]} or 20/B ^{[2][3]}
B. Parking Setbacks (feet) ^[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	70/B or 50/C	75/B	75/B
	c. Other roads	40/A or 25/C	40/A	40/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A ^[3] or 10/B ^[3]	30/A ^[3] or 10/B ^[3]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C ^[3] or 20/B ^[3]	40/C ^[3] or 20/B ^[3]
C. Building Heights (maximum) ^[4]				
1. I-1 District		Lesser of 3 stories or 50 feet ^{[5][6]}		
2. I-2 and I-3 District		150 feet ^{[6][7]}		

Notes for Table 19.1-390.A.2.

- [1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain, Chesapeake Bay or Upper Swift Creek Watershed regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Landscaping is not required adjacent to I-2 or I-3 District.
- [4] Height limits are subject to Article IV, Division 2.
- [5] Subject to Footnotes 6 and 7, height of offices and hotels may be increased to the lesser of 12 stories or 120 feet.
- [6] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then height may be increased to height of the dwelling, but not more than the maximum permitted height.
- [7] Within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.

- B. **Gasoline Pumps and Associated Drives.** Gasoline pumps shall meet the setback requirements for buildings outlined in Tables 19.1-390.A.1 and A.2. Drives associated with gasoline pumps shall meet the setback requirements for parking outlined in Tables 19.1-390.A.1 and A.2.

C. **Other Required Conditions.**

Architecture. In addition to the requirements of Sec. 19.1-317., buildings shall meet the following architectural requirements:

- a. Architectural Materials Generally.
 - Facades shall not be constructed of unpainted concrete block, unfinished corrugated metal or unfinished sheet metal;
 - Use of different materials on different facades shall be permitted, but inferior materials shall not be used on sides which face adjoining property; and
 - Facades visible to R, R-TH, R-MF, MH, A or O property, or a road shall not have architectural materials inferior in appearance or detail to any other facade of the same building or be constructed of unadorned concrete block.
- b. Architectural Compatibility Generally. Buildings within the same block or directly across a road shall have a compatible architectural treatment. Where existing buildings do not conform to architectural treatment requirements, an alternative architectural treatment or theme may be approved.
- c. Regional Mixed Use and Community Business Areas and All Areas East of Route 288. Within regional mixed use and community business designated areas on the comprehensive plan and all areas along Route 360 between Courthouse Road and Route 288, the following additional architectural conditions shall be met:
 - a. Theme. The architectural theme of a project shall show how building elements will break up the mass of large buildings and provide for a pedestrian scale environment between parking and buildings;
 - b. Road Entrances to Residential Neighborhoods. Adjacent to roads, excluding arterial or collector roads shown on the comprehensive plan, that serve as an entrance to a residential neighborhood, buildings shall be compatible with residential architecture;

- c. **Building and Pedestrian Elements.** The architectural style shall use building elements that interrupt the linear pattern and provide large scale focal elements and pedestrian scale elements for the entire development. Building and pedestrian elements shall include the following:
- **Background wall.** Background wall designs shall incorporate similar architectural expression of walls including grid pattern, canopy, abstract ornamentation and cornice to maintain the continuity between tenants. Variation in building wall setbacks shall be employed to interrupt building mass;
 - **Entry and tower features.** Tower features shall be incorporated into a project to establish large scale focal points and interrupt the linear design of buildings. Entry features shall either be included as key design components to identify each tenant and provide relief to the background wall, or pedestrian canopies with a maximum length of 250 feet may be used between significant entry or tower features;
 - **Colors.** Overall designs shall include variations in neutral color schemes for the building background with complimentary colors to enhance the entry feature design. Accent colors shall be permitted to represent individual corporate identification;
 - **Parapets and roofs.** Variation in parapet and/or roof heights shall be used to interrupt building mass; and
 - **Pedestrian elements.** Between buildings and parking areas, at least four of the following pedestrian elements shall be used: decorative post lights, alternative paving treatments at entrances and/or pedestrian crossings, benches, plazas, landscaped areas, water features, display windows, or other pedestrian elements.
- d. **Neighborhood business designated areas on the comprehensive plan.** Buildings shall be compatible with residential architecture. Residential design features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of residential materials such as, but not limited to, brick or siding, and asphalt shingle or simulated slate roofs. There shall be no visible flat or shed roofs.

Sec. 19.1-391. through 19.1-499. Reserved.

History of Amendments	
<u>Date</u>	<u>Document #</u>
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ARTICLE V. ENVIRONMENTAL STANDARDS

DIVISION 1. FLOODPLAIN MANAGEMENT DISTRICTS AND DAM BREAK INUNDATION ZONES

Sec. 19.1-500. Purpose and Areas of Applicability.

- A. The floodplain management regulations set forth in this division are adopted pursuant to the authority set forth in Va. Code § 15.2-2280 and may be referred to as the floodplain management ordinance. The purpose of these provisions is to prevent loss of life and property, creation of hazards to health and safety, disruption of commercial and governmental services, extraordinary and unnecessary expenditure of public funds for flood protection and relief and impairment of the tax base by:
1. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies, or risk of inundation due to a dam break.
 2. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding or dam break inundation.
 3. Requiring all those uses, activities and developments that do occur in floodprone areas or dam break inundation zones to be protected and/or floodproofed against flooding and flood damage.
 4. Providing information to the public regarding lands and structures which are unsuited for certain purposes because of flood hazards or risk of inundation due to a dam break.
- B. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the requirements of this division and any other applicable ordinances and regulations that apply to uses within the scope of this division.
- C. The requirements of this division shall apply to all privately and publicly owned lands within the county that are identified as special flood hazard areas according to the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) provided to the county by FEMA or identified as floodplains by the director of environmental engineering. The requirements of this division take precedence over any less restrictive laws, ordinances or codes. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

Sec. 19.1-501. Administration of Regulations.

- A. This division shall be enforced by the director of environmental engineering and such deputies as he may appoint. The director of environmental engineering shall serve as the county's floodplain management administrator and shall review all subdivision and site plans, improvement sketches, land disturbance permits and building permits, and certify that the proposed development or construction is not in violation of the provisions of this division. If a proposed development or construction is in conflict with this division, the director of environmental engineering shall refuse to approve such plan or building permit.
- B. The duties and responsibilities of the director of environmental engineering under this division include, but are not limited to, the following:
 - 1. Review applications for permits to determine whether proposed activities will be located in the special flood hazard area or other floodplains identified by the director of environmental engineering.
 - 2. Make interpretations as to the exact location of special flood hazard areas, floodplain boundaries and floodway 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 100 year frequency floodplain of free-flowing non-tidal waters of the state.
 - 5. Verify that applicants proposing an alteration of a Federal Emergency Management Agency (FEMA) identified watercourse have notified adjacent localities, the Virginia 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. Notify FEMA when the county's base flood elevations have increased or decreased as a result of physical changes affecting flooding conditions. The notification shall be made as soon as practicable, but not later than six months, after the date such information becomes available, and shall include submittal of technical or scientific data. These submittals are necessary so that, upon confirmation of any physical changes that affect flooding conditions, the risk premium rates and floodplain management requirements will be based upon current data.

7. Approve applications and issue permits to develop in 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.
8. 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 the county or by private parties within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
9. 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), flood boundary and floodway maps, mapped dam break inundation zones (when provided to the director of environmental engineering), and Letters of Map Change;
 - b. When provided to the director of environmental engineering, documentation supporting: issuance and denial of permits, Elevation Certificates, the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, exceptions, and records of enforcement actions taken to correct violations of these regulations;
 - c. Records of all actions associated with administering this division, including exceptions and the justification for their issuance, and reports to the federal insurance administrator, as required.
10. Enforce, or cause to be enforced, the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
11. Advise the board of zoning appeals regarding the intent of these regulations and, for each appeal from an exception determination made by the director of environmental engineering, prepare a staff report and recommendation for the board of zoning appeals.
12. Administer the requirements related to proposed work on existing buildings:
 - a. Make determinations as to whether buildings and structures that are located in 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, and 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.

13. Notify FEMA when the boundaries of the 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 board of supervisors 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 the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
14. Upon the request of FEMA, complete and submit a report concerning participation in the National Flood Insurance Program (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 exceptions issued for development in the SFHA.
15. Take into account flood 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 county, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).
16. 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 shall be used and shall 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 shall be deemed the best available data pursuant to Sec. 19.1-500.C. 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.
17. Undertake, as determined by the director of environmental engineering, appropriate 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.

Sec. 19.1-502. Floodplains and Zones Generally.

- A. Basis of Special Flood Hazard Area (“SFHA”) Districts.** The special flood hazard areas shall include the following districts, which are established as overlay zones superimposed over the existing base zoning districts and which do not affect the uses and activities of the base zones except as provided in this division. The basis for the delineation of these SFHA districts shall be: the FIS and the FIRM for the county prepared by the Federal Emergency Management Agency; Federal Insurance Administration, dated December 18, 2012 and any subsequent revisions or amendments thereto; and any other 100 year floodplains identified by the director of environmental engineering. The boundaries of the SFHA districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file by the director of environmental engineering.
1. The AE Zone on the FIRM accompanying the FIS shall be those areas for which one percent annual chance flood elevations have been provided and the floodway has not been delineated, as well as additional areas shown on applicable studies, as determined by the director of environmental engineering. The following shall apply:
 - a. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zone AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot.
 - b. Development activities in Zone AE which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies, with the county’s endorsement, for a conditional letter of map revision, and receives the approval of FEMA.
 2. The floodway district is located in the AE Zone. It shall be those areas within the floodplain capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 5 of the FIS and shown on the accompanying FIRM and also include, where applicable, those additional areas identified by the director of environmental engineering.
 3. The floodway fringe district is also located in the AE Zone. It shall be that area of the base flood area not included in the floodway. The basis for the outermost boundary of this area shall be the base flood elevations contained in the flood profiles of the FIS, as shown on the

accompanying FIRM or as shown on any other applicable study, as determined by the director of environmental engineering.

4. The A Zone or approximated floodplain district on the FIRM shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance 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 shall determine this base flood elevation.

For non-residential development proposed in the approximated floodplain district, the applicant must use technical methods that correctly reflect detailed hydrologic and hydraulic analyses. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or other individuals qualified to perform such analyses, who shall certify that the technical methods used accurately reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the director of environmental engineering and shall include a theoretical delineation of the Floodway District from the AE Zone when development within an approximated floodplain district is requested. The director of environmental engineering reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to a minimum of one foot above the base flood level.

5. During the permitting process, the applicant shall provide to the director of environmental engineering:
 - a. The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
 - b. if the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.
 6. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other development proposals (including manufactured home parks and subdivisions).
- B. **Floodplains Boundary Changes.** The delineation on FEMA floodplain maps of any of the FEMA floodplains may be revised by the county when natural or manmade changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or where an individual documents the need for such change. However, prior to any such change, approval must be obtained from FEMA.

C. **Interpretation of Floodplain Boundaries.** Initial interpretation of the boundaries of the FEMA special flood hazard areas, floodplain boundaries, and floodway boundaries shall be made by the director of environmental engineering. An appeal to the board of zoning appeals may be taken by any person aggrieved by the interpretation. The following shall apply to the use and interpretation of FIRMs and data:

1. Where field surveyed topography indicates that adjacent ground elevations:
 - a. are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as a special flood hazard area and subject to these regulations;
 - b. are above the base flood elevation, the area shall be regulated as a 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 shall be reviewed and reasonably used.
3. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall 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 shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

D. **Letters of Map revision.** When development in the floodplain causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA as soon as practicable, but not later than six months after the date such information becomes available by applying for a conditional letter of map revision (CLOMR) or a letter of map revision (LOMR). A letter of map revision is required, without limitation, in the following circumstances: any development that causes a rise in the base flood elevations within the floodway; any development occurring in Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; and alteration or relocation of a stream (including, but not limited to, installing culverts and bridges).

Sec. 19.1-503. Floodplains and Dam Break Inundation Zones Regulations.

A. **General Provisions.**

1. All uses, activities and development occurring within any floodplain district shall be undertaken only after the issuance of a land disturbance and/or building permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, including, but not limited to, the Virginia

Uniform Statewide Building Code and the county subdivision and erosion and sediment control ordinances. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system unless approved by the director of environmental engineering. Prior to the issuance of any building permit and/or land disturbance permit, the director of environmental engineering shall require all applications to include compliance with all applicable state and federal laws, and review all sites to assure they are reasonably safe from flooding. In addition to the basic information on the permit, the applicant shall provide the following information:

- a. For every structure that will be constructed on a lot or parcel that includes a floodplain, the elevation of the lowest floor, including basement, and horizontal distance of the structure from the outermost boundary of the base flood.
 - b. For every nonresidential structure that will be floodproofed, the elevation to which the structure will be floodproofed.
 - c. The elevation of the base flood.
 - d. Topographic information showing existing and proposed ground elevations or, if approved by the director of environmental engineering, other means of indicating direction of water flow.
2. Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, streams, etc., as shown on the county's FIRM, and prior to approval by the director of environmental engineering, the applicant shall also obtain approval from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality or the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Further, the applicant shall give notification of the proposal to all affected adjacent localities. Copies of such notifications shall be forwarded to the director of environmental engineering, the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.
 3. One residential dwelling shall be permitted on each parcel that was recorded as of March 16, 1983, that is at least 95 percent inundated by the base flood and that is located within the base flood, provided it shall have a minimum floor level, including basement, of one foot above the base flood and cause no increase in the base flood elevation. No residential dwelling shall be permitted on parcels recorded after March 16, 1983, that are located within the base flood unless approved by the director of environmental engineering through the exception process of Secs.19.1-504. and 19.1-505. and even then only if such dwelling has a minimum floor level of one foot above the base flood and causes no increase in the base flood elevation.

4. All new construction and substantial improvements to accessory residential buildings and structures shall be permitted within a floodway fringe area if the director of environmental engineering determines that it does not adversely affect the base flood.
5. All substantial improvements of residential dwellings within the base flood area shall comply with Sec. 19.1-506.1.
6. All new construction and substantial improvements of residential dwellings adjacent to the base flood area/backwater shall be set back at least 25 feet horizontal distance from the outermost boundary of the base flood area/backwater and have a minimum lowest floor level, including basement, of one foot above the base flood elevation. In the Upper Swift Creek Watershed, all new construction of and substantial improvements to residential dwellings shall be setback at least 35 feet horizontal distance from the outermost boundary of the 100 year floodplain where the contributing drainage area exceeds 100 acres.
7. All new construction and substantial improvements of nonresidential structures and accessory buildings:
 - a. Within the floodway fringe shall either: have a minimum floor level of one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, be designed to be watertight at least one foot above the base flood elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - b. Within the Upper Swift Creek Watershed all new construction and substantial improvements of nonresidential structures and accessory buildings shall be located outside the floodway fringe and shall be set back at least 25 feet horizontal distance from the outermost boundary of the base flood area, wetlands, Resource Protection Areas and 100 year floodplains where the contributing drainage area exceeds 100 acres, provided however, that when LID practices, as determined by the director of environmental engineering, are used adjacent to wetlands, floodplains and Resource Protection Areas, the setback may be reduced to 5 feet.
8. All new construction and substantial improvements of nonresidential structures on property adjacent to the base flood area shall either: have a minimum floor level of one foot above the base flood elevation of the nearest A Zone, or, together with attendant utility and sanitary facilities, be designed so that at least one foot above the base flood elevation of the nearest A Zone is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
9. When floodproofing is used for a particular structure in accordance with subsection 7 of this section, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. A record of such certificates, indicating the specific elevation (referenced to the National Geodetic Vertical Datum of 1929

(NGVD)) to which structures are floodproofed shall be maintained by the director of environmental engineering in accordance with Sec. 19.1-501.

10. The county's emergency management coordinator may require that owners of existing manufactured home parks and manufactured home subdivisions located within the base flood area file an evacuation plan indicating alternate vehicular access and escape routes.
11. All existing manufactured homes (in parks or on individual lots/parcels) located in the base flood area shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that: over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, but manufactured homes less than 50 feet long require one additional tie per side; frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, but homes less than 50 feet long require four additional ties per side; all components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and any additions to the home shall be similarly anchored. All such manufactured homes shall be located no less than three feet above grade, provided that no manufactured home at the same site has sustained substantial damage from a flood. If any manufactured home at the same site has sustained substantial damage from a flood, all existing manufactured homes at the same site shall be elevated on a permanent foundation, such that the lowest floor of the manufactured home is elevated to or above the base flood elevation.
12. The placement of new manufactured homes on individual lots or parcels, the construction of new manufactured home parks and manufactured home subdivisions, and the expansion or substantial improvements to existing manufactured home parks and manufactured home subdivisions shall be prohibited within the base flood area.
13. The placement of new manufactured homes on individual lots or parcels adjacent to the base flood area, the construction of new manufactured home parks and manufactured home subdivisions, and the expansion of existing manufactured home parks and manufactured home subdivisions shall require that: stands or lots be elevated on compacted fill or on pilings so that the lowest floor of the home will be at least one foot above the base flood elevation of the nearest A zone and be set back at least 25 feet horizontal distance from the outermost boundary of the base flood; adequate surface drainage and access for a hauler be provided; and, in the instance of elevation on pilings, lots be large enough to permit steps piling foundations to be placed in stable soil not more than ten feet apart and reinforcement shall be provided for pilings more than six feet above ground level.
14. All subdivision proposals and other proposed new developments shall include, within such proposals, base flood elevation data. In addition, all subdivision proposals shall be consistent with the need to minimize flood damage, including location and construction of public utilities and facilities such as sewer, gas, electrical and water systems, and shall provide for adequate drainage to reduce exposure to flood hazards. Base flood evaluation 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 for

subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions).

15. All new construction and substantial improvements to existing structures shall have the access driveways elevated to at least the base flood elevation.
16. All new construction and substantial improvements to existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure, constructed with materials and utility equipment that are resistant to flood damage, and constructed by methods and practices that minimize flood damage.
17. There shall be no filling of any floodplain unless approved by the director of environmental engineering and an approved land disturbance permit, building permit, improvement sketch, subdivision or site plan is on file with the department of environmental engineering.
18. Filling in the base flood area shall be prohibited to make a building lot for the purpose of constructing a residential dwelling unless permitted by an exception issued by the director of environmental engineering. This prohibition shall not apply to Section 19.1-503.A.3.
19. New construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood level.
20. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood level.
21. 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.
22. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
23. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
24. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
25. Commercial buildings located in all AE Zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight 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 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 director of environmental engineering.

26. In Zones A and AE, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
- a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of 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 professional engineer or architect or meet the following minimum design criteria:
 - Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
 - If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - The bottom of all required openings shall be no higher than one foot above the adjacent grade.
 - Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - 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.
27. Prior to issuance of a certificate of occupancy for any single family dwelling on a lot or parcel which is located, in whole or in part, on a FEMA floodplain, the owner of the lot or

parcel shall obtain and file an elevation certificate for the lot with the director of environmental engineering.

28. All recreational vehicles placed on sites must either 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) or meet all the requirements for manufactured homes.

29. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. **Floodway District.** The following shall be prohibited in the floodway district: structures, substantial improvements, manufactured homes, fill or other development. The county shall not grant relief from this provision through any process, unless relief from this provision shall have first been approved by FEMA to the extent that the director of environmental engineering determines that FEMA approval is required.

C. **Floodway Fringe District.**

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

2. **Permitted Uses.**

- a. Nonresidential construction, subject to the provisions of Sec. 19.1-503.A.7.
- b. Accessory residential structures, subject to the provisions of Sec. 19.1-503.A.4.
- c. Golf courses.

D. **Approximated Floodplain District.** In the approximated floodplain district, all development and uses shall be the same as permitted in the floodway district.

E. **100 Year Floodplains in Upper Swift Creek Watershed.**

- 1. The following shall be prohibited within the Upper Swift Creek Watershed 100 year floodplains when the contributing drainage area exceeds 100 acres in size:
 - a. Clear cutting;
 - b. Removal of tree stumps;

- c. Clearing of vegetation;
 - d. Filling;
 - e. Grading;
 - f. Placement of fences or other appurtenant structures.
2. The following actions are exempt from the prohibitions outlined above:
- a. Construction, installation, operation and maintenance of electric, gas, cable and telephone transmission lines, railroads and public roads and their appurtenant structures if conducted in accordance with the Erosion and Sediment Control Law, Code of Virginia, §§ 62.1-44.15:51 et seq, or an erosion and sediment control plan approved by the State Water Control Board.
 - b. Construction, installation and maintenance of water, sewer and local gas lines, provided that:
 - 1. To the degree possible, the location of such utilities and facilities should be outside 100 year floodplain.
 - 2. No more land than necessary shall be disturbed to provide for the desired utility installation.
 - 3. All construction, installation and maintenance of such utilities and facilities shall be in compliance with any applicable federal, state and local requirements and permits and designed and conducted in a manner that protects water quality.
 - 4. Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of chapter 8 and this division.
 - c. Silvicultural activities on lands in any agricultural district, provided that such activities adhere to water quality protection procedures prescribed by the department of forestry in its publication known as the Virginia Forestry Best Management Practices Technical Manual for Water Quality, as amended.
 - d. Construction of the following:
 - 1. Water wells;
 - 2. Boardwalks, trails, pathways; and

3. Historic preservation and archaeological activities; provided that the director of environmental engineering finds that:
 - Any required permits, except those to which this exemption specifically applies, shall have been issued;
 - Sufficient and reasonable proof is submitted that the intended use shall not deteriorate water quality;
 - The intended use does not conflict with nearby planned or approved uses; and
 - Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of chapter 8 of this division.
- e. Approved proper woodlot management practices.
- F. Reasonable consideration shall be given to protect life and property in mapped dam break inundation zones against impounding structure failure, in accordance with state law.

Sec. 19.1-504. Exceptions.

- A. The burden of proof rests upon the applicant for an exception to the requirements of this division, and, without such proof, the request must be denied. The applicant must show, in addition to the requirements contained in Sec. 19.1-505, good and sufficient cause that failure to grant the exception would result in an exceptional hardship; that granting the exception will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances; and that the exception is the minimum necessary, considering the flood hazard or risk of dam break inundation, to afford relief. No exception shall be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. While the granting of exceptions generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. Exceptions may be issued by the director of environmental engineering for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.
- C. Exceptions may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood, and create no additional threats to public safety.
- D. The decision of the director of environmental engineering regarding an application for an exception may be appealed to the Board of Zoning Appeals pursuant to Sec. 19.1-5 of this chapter.

Sec. 19.1-505. Factors to be Considered in Granting Exceptions.

- A. In considering applications for development in the floodway, floodway fringe districts, and 100 year floodplains designated as riparian corridor management areas, including consideration of exceptions from the requirements of this division, the director of environmental engineering shall consider the following factors in addition to the requirements set forth in Sec.19.1-504:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No exception shall be granted for any proposed use that will cause any increase in flood levels during the base flood.
 2. The danger of materials being swept onto other lands or downstream and causing injury.
 3. The proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 5. The importance of the services provided by the proposed facility to the community.
 6. The requirements of the facility for a waterfront location.
 7. The availability of alternate locations not subject to flooding for the proposed use.
 8. The compatibility of the proposed use with existing and anticipated future development.
 9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 10. The safety of access to the property in time of flood by ordinary and emergency vehicles.
 11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 12. The loss of beneficial natural stormwater management characteristics.
 13. The historic nature of a structure. Exceptions to allow 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 exception is the minimum necessary to preserve the historic character and design of the structure.
 14. Such other factors that are relevant to the purposes of this division.

- B. The director of environmental engineering may refer an application and accompanying documentation for an exception to an engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights, velocities, the adequacy of the plans for protection or any other related matters.
- C. The director of environmental engineering may forward requests for exceptions to FEMA for comment.
- D. The director of environmental engineering shall notify the applicant for an exception, in writing, that the approval of such for construction of a structure below the base flood elevation could increase risk to life and property, and could result in increased premium rates for flood insurance.
- E. A record of the above notification, as well as all exceptions, including justification for their issuance, shall be maintained by the director of environmental engineering. Approvals of exceptions to FEMA regulations shall be noted in the annual report submitted to FEMA.

Sec. 19.1-506. Existing Structures in Floodplain Districts.

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

1. Residential structures.

- a. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use requiring a building permit located in any Special Flood Hazard Area district, to an extent or amount of less than 50 percent of its value, in accordance with the county assessor's records if available, shall be elevated to the greatest extent possible and conform to the Virginia Uniform Statewide Building Code.
- b. A residential structure that receives substantial improvement shall be elevated to at least one foot above the base flood elevation.

2. Nonresidential structures.

- a. The modification, alteration, repair, reconstruction or improvement of any kind to a nonresidential structure and/or use located in any Special Flood Hazard Area district, to an extent or amount of less than 50 percent of its value, in accordance with the county assessor's records if available, shall be elevated and/or floodproofed to the greatest extent possible.
- b. A nonresidential structure that receives substantial improvement shall be elevated to at least one foot above the base flood elevation and/or floodproofed to at least one foot above the base flood elevation.

3. **Residential and nonresidential structures.** The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any Special Flood Hazard Area district, to an extent or amount of 50 percent or more of its value, in accordance with the county assessor's records if available, shall be undertaken only in full compliance with the floodplain management ordinance and shall require the entire structure to conform to the requirements of the building code.
4. Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
5. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation and encroachment standards are met.

Sec. 19.1-507. Additional Provisions Relative to Flood Hazard Mitigation.

Within the special flood hazard areas, the following additional provisions shall be met:

1. All electric water heaters, electric furnaces and other critical electrical installations shall be permitted only at elevations at least one foot above the base flood elevation.
2. Water supply systems, sanitary waste water systems and gas and oil supply systems shall be designed to preclude infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Design and construction shall be in accordance with requirements of the Virginia Uniform Statewide Building Code.
3. Adequate drainage shall be provided to minimize exposure to flood heights.
4. The preliminary plat or the construction plan if a preliminary plat was not submitted shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district, including information on, but not limited to, the base flood elevations, boundaries of the floodplain districts, proposed lots and sites and fills and areas subject to special deed restrictions.
5. A building permit application shall include the location of the base flood, if previously determined.

Sec. 19.1-508. Additional Provisions Relating to Floodplain Management Ordinance.

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

- B. This division shall not create liability on the part of the county, or any officer or employee thereof, for any flood damages that result from reliance on this division, or any administrative decision lawfully made thereunder.
- C. The requirements of this division shall be enforced pursuant to Sec. 19.1-6 of this chapter, except for any violations of the Virginia Uniform Statewide Building Code which shall be enforced pursuant to section 5-10 of chapter 5 of this Code. The imposition of a fine or penalty for any violation or non-compliance shall not excuse the violation or non-compliance or permit it to continue and all responsible persons shall be required to correct or remedy such violations or non-compliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in non-compliance with this division may be declared by the county to be a public nuisance and abatable as such. Furthermore, flood insurance may be withheld from structures constructed in violation of this division.
- D. The provisions of this division are severable in accordance with section 1-3 of chapter 1 of this Code.

Sec. 19.1-509. through 19.1-519. Reserved.

History of Amendments	
<u>Date</u>	<u>Document #</u>
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DIVISION 2. CHESAPEAKE BAY PRESERVATION AREAS**Sec. 19.1-520. Resource Protection Area Boundaries.**

- A. At a minimum, resource protection areas shall consist of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or because they are sensitive to impacts which may cause significant degradation to the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources.
- B. Resource protection areas shall consist of:
 - 1. Tidal wetlands.
 - 2. Nontidal wetlands connected by surface flow that are contiguous to tidal wetlands or water bodies with perennial flow.
 - 3. Tidal shores.
 - 4. A vegetated RPA buffer area a minimum of 100 feet in width, located adjacent to and landward of the environmental features listed in Section 19.1-520.B.1. through B.3., and along both sides of any water body with perennial flow. The full RPA buffer area shall be designated as the landward component of the resource protection area.
 - 5. Such other lands determined by the department of environmental engineering to meet the provisions of 19.1-520.A. and to be necessary to protect the quality of state waters.
- C. Designation of the components listed in Section 19.1-520.B.1. through B.3. shall not be subject to modification unless based on reliable, site specific information as provided for in 9 VAC 25-830-110.

Sec. 19.1-521. Resource Management Area Boundaries.

- A. Resource management areas shall include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area.
- B. A resource management area shall be provided contiguous to the entire inland boundary of the resource protection area. Resource management areas consist of one or more of the following:
 - 1. 100 year floodplains.
 - 2. Highly erodible soils, including steep slopes.

3. Highly permeable soils.
4. Nontidal wetlands not included in resource protection areas.
5. Land areas a minimum of 100 feet in width that are located adjacent to and landward of every resource protection area.

Sec. 19.1-522. Chesapeake Bay Preservation Areas Maps.

Chesapeake Bay preservation areas include resource protection areas and resource management areas. Subject to any adjustments by the director of environmental engineering pursuant to Section 19.1-523, the boundaries of these areas are included as a map layer in the County's Geographic Information System (GIS) which is available for viewing in the department of environmental engineering. This GIS map layer shall serve as the general determination of the extent of the resource protection area boundary as defined in 9 VAC 25-830-80.

Sec. 19.1-523. Site-Specific Refinements of Chesapeake Bay Area Boundaries and Boundary Adjustments.

- A. As part of, or prior to, the zoning application or plan review processes, or during the review of a water quality impact assessment pursuant to Section 19.1-524.E., a reliable, site-specific evaluation shall be conducted and approved by the environmental engineering department to determine whether water bodies on or adjacent to the proposed development site have perennial flow. The Resource Protection Area boundaries for the site shall then be adjusted, as necessary, based on this evaluation. Upon the completion of a countywide map depicting streams with perennial flow, as identified utilizing a scientifically valid method approved by the State Water Control Board, the site-specific evaluations shall no longer be required.
- B. The director of environmental engineering may adjust the delineation of any resource protection area boundaries when an environmental site assessment prepared by a qualified expert indicates a need for change based on the environmental features listed in Section 19.1-520.B.1 through 19.1-520.B.4. The environmental site assessment shall be drawn to scale and shall clearly delineate such environmental features. Wetlands delineations shall be performed in accordance with the procedures specified in the most recently approved edition(s) of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.
- C. The director of environmental engineering may adjust the delineation of any resource management area boundaries when an environmental site assessment prepared by a qualified expert indicates a need for such change based on the environmental features listed in Section 19.1-521.B. The environmental site assessment shall be drawn to scale and shall clearly delineate such environmental features. Wetlands delineations shall be performed in accordance with the procedures specified in the most recently approved edition(s) of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.
- D. Any person aggrieved by the director of environmental engineering's decision concerning the boundaries of a resource protection area or a resource management area may appeal such decision in accordance with Section 19.1-30.C.

- E. Boundary adjustments shall not be available to property that is undergoing redevelopment if, due to previous development of the property, the Chesapeake Bay preservation area features listed in Section 19.1-520.B. or Section 19.1-521.B. cannot be determined.

Sec. 19.1-524. Resource Protection Area Regulations.

In addition to the general performance criteria set forth in Section 19.1-525., the criteria in this section are applicable in resource protection areas.

- A. Land development may be allowed in a resource protection area, subject to the approval of the department of environmental engineering, only if it is water dependent, constitutes redevelopment, is a permitted encroachment established pursuant to Section 19.1-54.D., is a road or driveway crossing satisfying the conditions set forth in Section 19.1-524.A.4., or is a flood control or stormwater management facility satisfying the conditions set forth in Section 19.1-524.A.5.
1. A water quality impact assessment in accordance with Section 19.1-524.E.1. shall be required for any proposed land disturbance.
 2. A new or expanded water-dependent facility may be permitted, provided that:
 - a. It does not conflict with the comprehensive plan;
 - b. It complies with the performance criteria set forth in Sections 19.1-524.B. and 19.1-525;
 - c. Any nonwater-dependent component is located outside any resource protection area; and
 - d. Access shall be provided with minimum disturbance necessary. If possible, a single point of access shall be provided.
 3. Redevelopment shall be permitted in the Resource Protection Area only if there is no increase in the amount of impervious cover and no further encroachment within the Resource Protection Area, and it shall conform to applicable erosion and sediment control and stormwater management criteria set forth in Section 19.1-525 and the Erosion and Sediment Control Law and the Virginia Stormwater Management Act and their attendant regulations and Chapter 8 of this code as well as all applicable stormwater management requirements of other state and federal agencies.
 4. Roads and driveways not exempt under Section 19.1-527.A.1. may be constructed in or across Resource Protection Areas only if each of the following conditions are met:
 - a. The department of environmental engineering makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the Resource Protection Area.
 - b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize the encroachment in the Resource Protection Area and adverse impacts on water quality.

- c. The design and construction of the road or driveway satisfies all applicable criteria of this chapter, including submission of a water quality impact assessment.
 - d. The department of environmental engineering reviews the plan for the road or driveway proposed in or across the Resource Protection Area.
5. Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in Resource Protection Areas, provided that:
- a. the department of environmental engineering has conclusively established that the location of the facility within the Resource Protection Area is the optimum location;
 - b. the size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;
 - c. the facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program (VSMP) regulations;
 - d. all applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies, such as the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission;
 - e. approval must be received from the department of environmental engineering prior to construction; and
 - f. routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a Resource Protection Area.
- B. RPA buffer area requirements. The 100 foot RPA buffer area shall be the landward component of the Resource Protection Area as set forth in Section 19.1-520.B.4. Notwithstanding permitted uses and encroachments, as set forth in 19.1-524.C. and 19.1-524.D., the 100 foot RPA buffer area shall not be reduced in width. To minimize the adverse effects of human activities on the other components of the Resource Protection Area, state waters, and aquatic life, a 100-foot wide RPA buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained, if present, and established where it does not exist. The following criteria shall apply to the 100 foot RPA buffer area.
- 1. The 100 foot wide RPA buffer area shall be deemed to achieve a 75% reduction of sediments and a 40% reduction of nutrients.
 - 2. Where land uses such as agriculture or silviculture within the area of the RPA buffer area cease and the lands are proposed to be converted to other uses, the full 100 foot wide RPA buffer

area shall be reestablished. In reestablishing the RPA buffer area, management measures shall be undertaken to provide woody vegetation that assures the RPA buffer area functions set forth in this chapter.

3. Existing vegetation in the RPA buffer area shall not be cleared or disturbed except as provided in Section 19.1-524.C. and 19.1-524.D. and with the prior approval of the environmental engineering department.

C. Permitted modifications of the RPA buffer area.

1. In order to maintain the functional value of the RPA buffer, existing vegetation may be removed, subject to the approval of the environmental engineering department, only to provide for reasonable sight lines, access paths, general woodlot management and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
 - a. Trees may be pruned or removed if necessary to provide for sight lines and vistas. If trees are removed, they shall be replaced with other vegetation that, in the judgment of the environmental engineering department, is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff.
 - b. Any path shall be constructed and surfaced to effectively control erosion.
 - c. Dead, diseased or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed, and thinning of trees may be allowed, pursuant to sound horticultural practices.
 - d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.
2. On agricultural lands, the RPA buffer area shall be managed to prevent concentrated flows of surface water from breaching the RPA buffer area and appropriate measures may be taken to prevent noxious weeds (such as Johnson grass, kudzu, and multiflora rose) from invading the RPA buffer area. Agricultural activities may encroach into the RPA buffer area only as follows:
 - a. Agricultural activities may encroach within the landward 50 feet of the 100 foot wide RPA buffer area when at least one agricultural best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land is being implemented on the adjacent land provided that the combination of the undisturbed RPA buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100 foot RPA buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the Virginia Nutrient Training and Certification

Regulations (4VAC 50-85) administered by the Virginia Department of Conservation and Recreation.

- b. Agricultural activities may encroach within the landward 75 feet of the 100 foot wide RPA buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, approved by the James River soil and water conservation district, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance levels, referred to as "T," as defined in the National Soil Survey Handbook of November 1996 in the Field Office Technical Guide of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be developed, consistent with the Virginia Nutrient Management Training and Certification Regulations (4VAC 50-85) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining RPA buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100 foot RPA buffer area.
- c. The RPA buffer area is not required for drainage ditches associated with agricultural land if the adjacent agricultural land has in place at least one best management practice which, in the opinion of the James River soil and water conservation district, addresses the predominant water quality issues on the adjacent land.

D. Permitted encroachments into the RPA buffer area.

- 1. When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the RPA buffer area may be permitted by the director of environmental engineering. A written request shall identify the impact of the proposed exception on water quality, on public safety, and on lands within the resource protection area through the completion of a water quality impact assessment that complies with Section 19.1-524.E. and shall be in accordance with the following criteria:
 - a. Encroachments into the RPA buffer area shall be the minimum necessary to achieve a buildable area for a principal structure and necessary utilities.
 - b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the RPA buffer area encroachment, and is equal to the area of encroachment into the RPA buffer area shall be established elsewhere on the lot or parcel.
 - c. The encroachment may not extend into the seaward 50 feet of the RPA buffer area.
- 2. When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, encroachments into the RPA buffer area may be allowed through an administrative process in accordance with the following criteria:
 - a. The lot or parcel was created as a result of a legal process conducted in conformity with the county's subdivision ordinance;

- b. Conditions or mitigation measures imposed through a previously approved exception shall be met;
 - c. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required;
 - d. The requirements of Section 19.1-524.D.1 shall be met.
3. When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel created as the result of bankruptcy, condemnation or threat of condemnation, judicial partition or judicial action relating to a decedent's estate, encroachments into the RPA buffer area may be allowed through an administrative process in accordance with the requirements of Section 19.1-524.D.2.b., c., and d.
- E. Water quality impact assessments and resource protection area restoration plans.
1. A water quality impact assessment shall be submitted to, and approved by, the environmental engineering department for any proposed development within a resource protection area, including any RPA buffer area modification or encroachment authorized as provided by Section 19.1-524.D. and may be required by the director of environmental engineering for any other development in Chesapeake Bay preservation areas based on the site's unique characteristics or the intensity of the proposed use or development. The purpose of the water quality impact assessment is to identify and, where applicable, quantify the impacts of proposed development on water quality and lands in the Resource Protection Areas consistent with the goals and objectives of the Chesapeake Bay Preservation Act, this chapter, and to identify specific measures for the mitigation of those impacts. There shall be two types of water quality impact assessments: a minor assessment and a major assessment.
- a. Minor water quality impact assessment. A minor water quality impact assessment shall be required for a development or redevelopment which involves 2,500 square feet or less of land disturbance. The minor water quality assessment must demonstrate that the combination of undisturbed RPA buffer area, restoration plantings, and identified best management practices or measures will be effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. The minor water quality impact assessment shall include a site drawing, to scale if practicable, which shows the following:
- 1) The location of the resource protection area;
 - 2) The location, nature and quantification of proposed encroachments into the resource protection area, including type of material proposed to be used for access paths, areas of clearing or grading, location of any structures, drives or other impervious surfaces;
 - 3) Justification for the proposed encroachment;
 - 4) Type and proposed location of any best management practice facilities or measures;

- 5) Existing and proposed runoff outfalls from the property;
 - 6) Location and density of existing vegetation on site, including the number and type of trees and other vegetation to be removed in the RPA buffer area as a result of the encroachment or modification; and
 - 7) A restoration plan that includes the replacement of vegetation that has been removed from the RPA buffer area. The type, quantity and density of vegetation shall be capable of retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
- b. Major water quality impact assessment. A major water quality impact assessment shall be required for a development which exceeds 2,500 square feet of land disturbance. The major water quality impact assessment shall be prepared by a qualified expert and shall include:
- 1) All information required for a minor water quality impact assessment;
 - 2) A description of the proposed encroachment including:
 - A description of the proposed improvements, including structures (including the type and size), roads, access paths, irrigations systems, lighting systems, and utilities;
 - If an access path is proposed, an identification of the location of the path and the materials that will be used for the path.
 - 3) A description of the encroachment site's physical characteristics including:
 - The site's existing topography, soil characteristics, erosion potential and hydrology;
 - A description of wetland areas including their functions and values;
 - A description of streams and other water bodies;
 - Location and density of existing vegetation on site, including the number and type of trees and other vegetation categorized by type (e.g. shrubs, trees, groundcover) within 50 feet of the proposed land disturbance.
 - 4) A discussion of the potential water quality impacts of the proposed encroachment, including:
 - A quantification of any identified impacts on streams or other water bodies, including potential erosion and sedimentation that could enter those waters as a result of the encroachment;
 - An identification and quantification of any impacts on wetlands, including impacts on wetland hydrology;
 - An identification of temporary or permanent impacts to streams or other water bodies;
 - An identification of any areas to be disturbed outside the resource protection area that have the potential to adversely affect the resource protection area;
 - The limits of clearing and grading, and the percent of the site to be cleared;
 - Where applicable, an estimation of the pre-construction and post-construction pollutant loads;
 - Estimation of the percent increase in impervious cover;

- A discussion of the number and type of trees and other vegetation to be removed in the RPA buffer area as a result of the encroachment or modification;
 - A discussion of proposed changes to the site topography and hydrology and the impacts of those changes on water quality;
 - A construction schedule, including the anticipated duration of construction.
- 5) A discussion of measures to mitigate the identified impacts, including:
- A Restoration Plan that includes the replacement of vegetation that has been removed from the RPA buffer area. The Plan shall include the schedule for replanting, which shall take into account the appropriate season for replanting. The type, quantity and density of vegetation specified shall be capable of retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. The vegetation specified plantings shall, to the maximum extent practicable, consist of native species.
 - A listing of proposed erosion and sediment control measures, including additional measures that are beyond those required in chapter 8 of the code. A listing of best management practices and measures to reduce impacts on water quality;
 - A discussion that demonstrates, in a quantifiable manner, that the combination of revegetation and best management practices will achieve pollutant removal that is equivalent to that which is achieved without the encroachment.
 - A listing of other mitigation measures that may be required by the director of environmental engineering.
- F. Violations of this section may result in court action being taken to result in fines and/or an order to abate the violation and bring the property into compliance with this section, which may include the violator being required to submit a resource protection area restoration plan and an appropriate surety in an amount to purchase and plant any vegetation required by the restoration plan which does not survive for one year from date of planting. The amount and form of the surety must be in a form approved by the county attorney's office and may consist of a certified check, cash escrow, a surety bond, or a letter of credit from a financial institution.

Sec. 19.1-525. General Performance Criteria.

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

1. No more land shall be disturbed than is necessary to provide for the proposed use or development.
2. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development allowed.
3. Land development shall minimize impervious cover consistent with the use or development allowed.
4. All development exceeding 2,500 square feet of land disturbance shall be subject to the site plan or subdivision review processes.

5. Any land disturbing activity that exceeds an area of 2,500 square feet (including construction of all single family houses, septic tanks and drainfields, but otherwise as defined in § 62.1-44.15:51 of the Code of Virginia) shall comply with the requirements of the local erosion and sediment control ordinance.
6. Stormwater management criteria consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations shall be satisfied.
 - a. The following stormwater management options shall be considered to comply with this requirement:
 - Incorporation on the site of best management practices that meet the water quality protection requirements. For the purposes of this provision, the site may include multiple projects or properties that are adjacent to one another or lie within the same drainage area where a single best management practice will be utilized by those projects to satisfy water quality protection requirements;
 - Compliance with site-specific VPDES permit issued by the Department of Environmental Quality provided the department of environmental engineering specifically determines that the permit requires measures that collectively achieve water quality protection equivalent to that required.
 - b. Any maintenance, alteration, use or improvement to an existing structure that does not degrade the quality of surface water discharge, as determined by the director of environmental engineering, may be exempted from the requirements. Any person aggrieved by a decision of the director of environmental engineering under Section 19.1-525.6 may appeal such decision in accordance with the procedures provided in Section 19.1-30.C.
 - c. Stormwater management criteria for redevelopment shall apply to any redevelopment.
7. Where the best management practices utilized in a commercial development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a maintenance/easement agreement, commercial surety bond, bank letter of credit or other assurance satisfactory to the director of environmental engineering. Where the best management practices utilized for a residential development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a commercial surety bond, bank letter of credit or cash escrow in an amount equal to \$250.00 for each dwelling unit in a residential development. The requirement excludes apartment developments outside the Swift Creek Reservoir Watershed. The form of any bond or letter of credit provided pursuant to this section shall be approved by the county attorney.
8. Within the Upper Swift Creek Watershed, where the best management practices utilized in a commercial development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a commercial surety bond, bank letter of credit or cash escrow in an amount equal to \$3,000.00 for each impervious acre or fraction thereof.

The form of any bond or letter of credit provided pursuant to this section shall be approved by the county attorney.

9. Except as follows, RMA performance criteria shall not apply to land used for agricultural purposes. Land on which agricultural activities are being conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Chesapeake Bay Preservation Act and this division.
10. The director of environmental engineering may authorize the developer to use a retention or detention basin or alternative best management practice facility to achieve the performance criteria set forth in this chapter.
11. The department of environmental engineering shall require evidence of all wetlands permits required by law prior to authorizing grading or other on-site activities.
12. For sites subject to subdivision review, the subdivider shall post signs demarking the limits of the RPA so builders and homeowners are informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the director of environmental engineering.
13. Except for the Upper Swift Creek Watershed, all new construction and substantial improvements of residential dwellings shall have minimum setbacks from an RPA which encroaches within a lot or parcel that is the lesser of the applicable yard setback requirement of the underlying zoning district or 25 feet. Specifically, setbacks shall be measured from the closest boundary of the RPA to the principal structure and the required setbacks shall be determined by the yard in which the RPA boundary is located. In the Upper Swift Creek Watershed, all new construction and substantial improvements of residential dwellings shall have a minimum setback from the RPA of 35 feet.
14. Except for the Upper Swift Creek Watershed, all new construction and substantial improvements of residential dwellings shall have a minimum setback of at least 25 feet horizontal distance from the outer most boundaries of nontidal wetlands not located within resource protection areas. In the Upper Swift Creek Watershed, all new construction and substantial improvements of residential dwellings shall have a minimum setback of at least 35 feet horizontal distance from the outer most boundaries of the nontidal wetlands not located within resource protection areas.
15. All new construction and substantial improvements of nonresidential structures and accessory buildings shall meet requirements of Section 19.1-503.A.7.

(Ordinance of 5-23-18)

Sec. 19.1-526. Exemptions in Resource Protection Areas.

- A. The following land disturbances in resource protection areas may be exempt from the criteria of Section 19.1-524. provided that, in the judgment of the director of environmental engineering, they comply with the conditions listed below: water wells, passive recreation facilities such as boardwalks, trails and pathways, and historic preservation and archaeological activities.
 - 1. Any required permits, except those to which this exemption specifically applies, shall have been issued;
 - 2. Sufficient and reasonable proof is submitted that the intended use shall not result in an adverse impact on water quality;
 - 3. The intended use does not conflict with nearby planned or approved uses; and
 - 4. Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of Chapter 8.
- B. Silvicultural activities in Chesapeake Bay Preservation Areas shall be exempt from this division's requirements, provided that such activities adhere to water quality protection procedures prescribed by the Virginia Department of Forestry the Fifth Edition (March 2011) of Virginia's Forestry Best Management Practices for Water Quality Technical Manual, as amended. The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in Chesapeake Bay Preservation Areas. This exemption shall not apply to land disturbing activities on land in an agriculturally zoned district which is not used directly for the management of agricultural crops, forest crops and livestock, or land which has been rezoned or converted, or proposed to be rezoned or converted, at the request of the owner or previous owner, from an agricultural to a residentially, commercially or industrially zoned district or use.
- C. Nonresidential uses which are located over 100 feet from, and are not adjacent to, R, R-MF or R-TH Districts, or any property used for residential purposes, schools, child care centers, playgrounds, shopping centers, libraries, hospitals, public institutions or similar facilities shall be exempt from the provisions of Section 19.1-550.

Sec. 19.1-527. Exemptions and Exceptions.

- A. **Exemptions.** Public utilities, railroads, public roads, and facilities exemptions.
 - 1. Construction, installation, operation and maintenance of electric, natural gas, fiber-optic and telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with the Erosion and Sediment Control Law (§62.1-44.15:51 et seq.), and the Stormwater Management Act (§62.1-44.15:24 et seq.), or an erosion and sediment control plan and stormwater management plan approved by the Virginia Department of Environmental Quality. The exemption of public roads is further conditioned as follows: optimization of the road alignment and design, consistent with other applicable requirements, to prevent or

otherwise minimize encroachment in the Resource Protection Area and adverse impacts on water quality.

2. Construction, installation and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned, permitted, or both, by the county or a regional service authority shall be exempt from this division's requirements, provided that:
 - a. To the degree possible, the location of such utilities and facilities should be outside resource protection areas.
 - b. No more land than necessary shall be disturbed to provide for the proposed utility installation.
 - c. All construction, installation and maintenance of such utilities and facilities shall be in compliance with any applicable federal, state and local requirements and permits and designed and conducted in a manner that protects water quality.
 - d. Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of chapter 8 of this code.

B. Exceptions.

1. **Findings.** Exceptions to the requirements of Sections 19.1-524. and 19.1-525. may be granted, subject to the procedures set forth in 19.1-527.B.2. if a finding is made that:
 - a. The requested exception is the minimum necessary to afford relief.
 - b. Granting the exception shall not confer any special privileges upon the applicant that are denied by this division to other property owners who are subject to its provisions and who are similarly situated.
 - c. The exception is in harmony with the purpose and intent of this division and will not result in a substantial detriment to water quality.
 - d. The exception request is not based on conditions or circumstances that are self-created or self-imposed.
 - e. Reasonable and appropriate conditions are imposed, as warranted, that will ensure that the permitted activity will not cause a degradation of water quality.
 - f. The request is being made because of the particular physical surroundings, use, shape or topographical conditions of the specific property involved or property adjacent to or within 100 feet of the subject property, or a particular hardship to the owner will occur, as distinguished from a mere inconvenience, if the strict letter of this division is carried out.
2. **Exception process.**
 - a. Exceptions to Requirements of Section 19.1-524.

- 1) A request for an exception to the requirements of Section 19.1-524., except for an encroachment permitted under Section 19.1-524.D., shall be made in writing to the planning department for action by the board of supervisors. It shall identify the impact of the proposed exception on water quality, on public safety and on lands within the resource protection area through development of a water quality impact assessment which complies with Section 19.1-524.E. Exception requests seeking relief from the best management practice facility safety measures and design criteria required in Sections 19.1-550. and 19.1-551. shall not require the completion of a water quality impact assessment if the request is supported by documentation which demonstrates that the request will not be detrimental to public safety and welfare.
 - 2) The planning department shall notify the affected public of any such exception requests and the board of supervisors shall consider these requests during a public hearing in accordance with Va. Code § 15.2-2204, except that only one hearing shall be required.
 - 3) The board of supervisors shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this division only if the board makes the findings set forth in Section 19.1-527.B.1.
 - 4) If the board of supervisors cannot make the required findings or refuses to grant the exception, it shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.
- b. Exceptions to the Requirements of Section 19.1-525. Upon written request, the director of environmental engineering may approve exceptions to the requirements of Section 19.1-525 when the director finds that the criteria of Section 19.1-527.B.1. have been satisfied.

Sec. 19.1-528. Improvement Sketches.

- A. **Uses Requiring Improvement Sketch.** Except as provided in Section 19.1-544., an improvement sketch shall be submitted and approved for any use in a Chesapeake Bay preservation area which exceeds 2,500 square feet of land disturbance and for which neither site plan nor subdivision approval is required.
- B. **Preparation and Submission of Improvement Sketch.**
1. Requests for improvement sketch review and approval shall be accompanied by:
 - a. The applicant's certification that he will perform the measures included on the improvement sketch; and
 - b. Copies of the improvement sketch, as required by the director of environmental engineering.

For any land use or development described in Section 19.1-528.A. requiring a building permit, the building permit application shall be accompanied by an improvement sketch for review and approval. The applicant's signature on the building permit application shall constitute his certification that he will perform the measures included on the approved improvement sketch. For any other land use or development, the improvement sketch shall be submitted directly to the department of environmental engineering for review and approval.

2. When necessary and applicable, as determined by the director of environmental engineering, every improvement sketch shall be prepared in the following manner and show the following information:
 - The boundary of the entire tract by metes and bounds;
 - Parking areas and driveways;
 - Recreation areas, common areas and open space;
 - The area of the entire tract and impervious areas;
 - Building restriction lines, including Chesapeake Bay preservation areas, existing and proposed utility easements, and required setbacks;
 - Existing and finished topography with a maximum of five-foot contour intervals;
 - Storm drainage systems including natural and artificial watercourses;
 - All existing and/or proposed improvements, including wells and primary and secondary drainfields;
 - The limits of any established 100 year floodplains and the location of mapped dam break inundation zones;
 - All buildings and structures;
 - The limits of land disturbance;
 - All erosion control measures;
 - Pollutant removal requirement calculations; and
 - Best management practices satisfying pollutant loading requirements.
3. The director of environmental engineering shall review the improvement sketch for general completeness and compliance with the regulations and requirements of this division.

C. Improvement Sketch Processing.

1. The director of environmental engineering shall approve or disapprove an improvement sketch in accordance with the regulations and requirements of this division within 30 days of the improvement sketch's submission date, if practicable. Such approval or disapproval by the director of environmental engineering may include approval or disapproval of the building permit application.
2. Any person aggrieved by the director of environmental engineering's decision approving or disapproving an improvement sketch may appeal such decision in accordance with Section 19.1-29.C.

- D. Period of Improvement Sketch Validity.** An approved improvement sketch shall become null and void if no significant work is done or development is made on the site within six months after

final approval. There shall be no clearing or grading of any site without approval of an improvement sketch by the director of environmental engineering.

E. Minor or Major Adjustment in Approved Improvement Sketch.

1. After an improvement sketch has been approved, minor adjustments to the sketch which comply with the purpose of this division and other provisions of this chapter may be approved by the director of environmental engineering. Deviation from an approved improvement sketch without the director of environmental engineering's written approval shall void the sketch, and the applicant shall be required to submit a new improvement sketch.
2. Any major revision to an approved improvement sketch shall be made in the same manner as originally approved. For these revisions, the director of environmental engineering may waive any requirements of this division that he finds to be unnecessary to insure compliance with this division's requirements.

F. Development to be in Accordance with Improvement Sketch; Prerequisite to Issuing Building Permit.

1. It shall be unlawful for any person to develop, change, or improve any land or construct, erect or structurally alter any building or structure for which an improvement sketch is required, except in accordance with an approved improvement sketch.
2. No building permit shall be issued to construct, erect or structurally alter any building or structure that is subject to the provisions of this division until an improvement sketch has been submitted and approved.

Sec. 19.1-529. Nonconforming Uses, Vested Rights and Other Exceptions.

- A. In addition to the requirements of this chapter, no use which is nonconforming to the requirements of this division and located in a Chesapeake Bay preservation area, shall be enlarged, extended, reconstructed, substituted or structurally altered unless the director of environmental engineering grants an exception pursuant to Section 19.1-527, and also finds that:

1. There will be no net increase in the nonpoint source pollution load; and
2. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of Chapter 8 of this code.

This exception for nonconforming uses is not available for the expansion of accessory structures.

- B. This division shall not be construed to prevent the reconstruction of pre-existing structures, including accessory structures within Chesapeake Bay Preservation Areas from occurring as a result of casualty loss, unless otherwise restricted by applicable ordinance.
- C. The provisions of this division shall not affect the vested rights of any landowner under existing law.

D. The provisions of this division shall not be construed to require or allow the taking of private property for public use without just compensation.

Sec. 19.1-530. through 19.1-539. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	
	2	Deleted	
5/23/2018	3	General Performance Criteria Fees Within Chesapeake Bay Preservation Area	110854.2

DIVISION 3. UPPER SWIFT CREEK WATERSHED**Sec. 19.1-540. Upper Swift Creek Watershed.**

The Upper Swift Creek watershed consists of all land in the county located upstream of the Swift Creek Reservoir Dam.

Sec. 19.1-541. Development Regulations.

Any use, development or redevelopment of land in the Upper Swift Creek Watershed shall meet the following performance criteria:

1. No more land shall be disturbed than is necessary to provide for the desired use or development;
2. Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use or development allowed;
3. Land development shall minimize impervious cover consistent with the use or development allowed;
4. Stormwater Runoff Controls.
 - a. Stormwater runoff shall be controlled to achieve the following:
 - 1) For any new use or development, the post-development, nonpoint-source pollution runoff loads of phosphorous shall not exceed the following:
 - The post-development total phosphorus load for residential uses subject to subdivision approval shall not exceed 0.22 pounds per acre per year.
 - The post-development total phosphorus load for all other uses shall not exceed 0.45 pounds per acre per year.
 - 2) For any new use or development, the post-development, nonpoint-source pollution runoff loads of lead shall not exceed the following:
 - The post-development total lead load for nonresidential uses and residential uses subject to site plan approval shall not exceed 0.19 pounds per acre per year.
 - The post-development total lead load for all other uses shall not exceed 0.03 pounds per acre per year.
 - 3) For redevelopment sites not currently served by water quality best management practices, the existing nonpoint-source pollution runoff loads of phosphorus and lead shall be reduced by at least thirty (30%) percent after redevelopment; however, the

loads of such elements need not be reduced below the levels set forth in Sec. 19.1-541.4.a.

- 4) For redevelopment sites currently served by water quality best management practices, the post-development, nonpoint-source pollution runoff loads of phosphorus and lead shall be reduced by at least twenty percent (20%); however, the loads of such elements need not be reduced below the levels set forth in Sec. 19.1-541.4.a.
- b. Compliance with the requirements of 19.1-541.4. shall be achieved on site through incorporation of best management practices including low impact development practices that achieve the required control, unless the director of environmental engineering determines that one of the following storm water management options has been satisfied:
- 1) Mitigation measures approved by the director of environmental engineering in conjunction with the plan approval process. Mitigation measures may include, but are not limited to, the following: (i) construction of BMPs on or off-site; (ii) retrofitting an existing BMP on or off-site; (iii) stream or buffer enhancements or restoration; (iv) purchasing of credits from owners of other property in the watershed when best management practices on the other property exceed the required control; (v) use of perpetual conservation or open space easements; and (vi) if the foregoing mitigation measures are not adequate to achieve the required control, payment to the county of cash sufficient to achieve the required control through other mitigation measures as determined by the director of environmental engineering. Mitigation measures shall be approved by the director of environmental engineering only when: (i) the proposed mitigation measures are located within the Upper Swift Creek watershed; (ii) the proposed mitigation measures are sufficient to achieve the required control; and (iii) the applicant provides an engineer's certification that there is no viable means of sufficiently achieving the required control on site. Unless otherwise determined by the director of environmental engineering, mitigations measures shall be located in the same subwatershed of the Upper Swift Creek watershed.
 - 2) Property that the director of planning has determined to be vested as to the right to comply with the required control through pro rata payments for regional BMPs pursuant to Article VI of Chapter 12 repealed on February 14, 2007 shall achieve compliance through (i) a pro rata payment equal to what would have been required under chapter 12, which shall be used for mitigation measures in the watershed as determined by the director of environmental engineering; (ii) compliance with the other provisions of Sec. 19.1-541.4.b.; or (iii) a combination thereof. In any event, however, even vested properties shall achieve a minimum total phosphorus load of 0.45 pounds per acre per year as required by Chesapeake Bay Preservation Act regulations.
 - 3) Compliance with a state or locally implemented program of stormwater discharge permits pursuant to section 402(p) of the federal Clean Water Act, as set forth in 40 CFR 122, 123, 124 and 504, dated December 7, 1988.
 - 4) For a redevelopment site that is completely impervious as currently developed, restoring a minimum of 20 percent of the site to vegetated open space.

- c. Any maintenance, alteration, use or improvement to an existing structure which does not degrade the quality of surface water discharge, as determined by the director of environmental engineering, may be exempted from the requirements of this section.
5. The use of Low Impact Development (“LID”) site planning and practices shall be encouraged to reduce pollutants and control stormwater runoff at the source.
 - a. The design criteria, hydrologic analysis, and calculation procedures for LID practices shall be as published by the Chesterfield County, environmental engineering department; and
 - b. Storm drainage easements shall be recorded to identify locations of LID practices on lots or parcels. The property owner shall not remove or alter the function of LID practices without prior written approval from the director of environmental engineering.
6. If the best management practices that are used require regular or periodic maintenance in order to continue their functions, maintenance shall be ensured by a maintenance/easement agreement, bond or other assurance satisfactory to the director of environmental engineering.
7. Land on which agricultural activities are being conducted shall have a soil and water quality conservation plan approved by the James River Soil and Water Conservation District. Such plan shall be based on the Field Office Technical Guide of the U.S. Farm Service Agency Soil Conservation Service and accomplish water quality protection consistent with this section.

Sec. 19.1-542. Natural Resource Inventory Required.

- A. **Requirement and Exemptions.** An application for rezoning, conditional use, conditional use planned development, and conditional zoning in the Upper Swift Creek Watershed shall include a natural resource inventory for the proposed development site except as set forth below. The natural resource inventory is a planning level tool used for the analyses of the project area to enable future development the opportunity to incorporate stormwater mitigation and conservation designs while avoiding sensitive environmental features for the protection of their role as it relates to water quality. The information may be used for the project’s overall stormwater management plan and should protective measures or non-structural stormwater practices found to be beneficial to water quality and acceptable in the form of a proffered condition. The director of environmental engineering, at construction plan or site plan review, may credit the resulting stormwater benefits towards the project’s required pollutant load reduction.

An application is exempt from the requirement to provide a natural resource inventory when:

- Land disturbance of the proposed development site will be less than 2,500 square feet in area;
- It proposes only the construction of a single family residential dwelling that is not part of a subdivision;

- It seeks only construction of water, sewer, natural gas, underground telecommunications or cable television lines, railroads, or public roads;
- The proposed development site already has existing development such that, in the discretion of the director of environmental engineering, a natural resource inventory is unnecessary to evaluate the application; or
- The request is to amend a condition or conditions of a prior zoning approval where the director of environmental engineering determines that the amendment does not substantially alter the natural resource inventory provided with the original zoning approval, or the required natural resource inventory components have been substantially addressed through previous development or zoning approval.

B. Natural Resource Inventory Components.

1. **Plan.** The natural resource inventory shall be drawn to scale clearly delineating the following components:
 - Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
 - A 100-foot buffer area located adjacent to and landward of the components above, and along both sides of any water body with perennial flow;
 - Nontidal wetlands not included in above;
 - 100-year floodplains as designated in Sec. 19.1-502;
 - Slopes 25 percent or greater;
 - Hydrologic soil groups;
 - Threatened and endangered species;
 - Transaction screen;
 - Greenways;
 - Abandoned or existing mines or quarries;
 - Historical, archeological, or cultural features;
 - Any other sensitive environmental feature specific to the site; and
 - Highly erodible soils.
2. **Narrative.** A narrative describing the location, density, plant species and condition of the vegetation on the site shall be provided with the natural resource inventory.
3. **Certification.** The natural resource inventory shall be certified as complete and accurate by a person or firm qualified to make the inventory.

Sec. 19.1-543. Boundary Adjustments.

Boundary adjustments to resource management areas, as provided for in Sec. 19.1-523, shall not be permitted in the Upper Swift Creek watershed.

Sec. 19.1-544. Exemptions.

The following shall be exempt from the requirements of Sec.19.1-528.:

1. Construction, installation, operation and maintenance of electric, gas and telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with the Erosion and Sediment Control Law, Code of Virginia, §62.1-44.15:51et seq., or in accordance with an erosion and sediment control plan approved by the Virginia Soil and Water Conservation Board.
2. Construction, installation and maintenance of water, sewer and local gas lines shall be exempt from this division's requirements, provided that:
 - a. No more land than necessary shall be disturbed to provide for the desired utility installation;
 - b. All construction, installation and maintenance of such utilities and facilities shall be in compliance with any applicable federal, state and local requirements and permits and designed and conducted in a manner that protects water quality; and
 - c. Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of chapter 8 of the code.
3. Silvicultural activities shall be exempt from this division's requirements, provided .that such activities adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in its Best Management Practices Handbook for Forestry Operations, as amended.

Sec. 19.1-545. Tree Planting, Replacement and Preservation.

The purpose of this section is to promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process pursuant to Sec. 15.2-961 of the Code of Virginia, and to provide for the preservation of trees within development in appropriate instances.

A. General standards.

1. All trees to be planted shall meet the specifications of the American Hort.
2. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The county shall maintain current copies of these specifications available to the public.
3. The minimum size standards for trees shall be in accordance with Sec. 19.1-250.

4. The canopy area of planted trees shall be in accordance with the Chesterfield County Plant Materials List as maintained by the planning department. Canopy credit for trees not included on the Chesterfield County Plant Materials List may be approved by the planning department based on credible published documentation. Preserved trees and wooded areas may be credited toward the canopy requirements in compliance with this section.

B. Canopy requirements.

1. **Site and Construction plans.** All site plans and construction plans for subdivision plats shall include detailed landscape plans prepared in accordance with Sec. 19.1-246 to provide for the preservation, planting and replacement of trees on site to the extent that, at maturity of twenty (20) years, the minimum tree canopy shall be as follows:
 - a. 10 percent tree canopy for any cemetery;
 - b. 10 percent tree canopy for sites zoned for commercial or industrial;
 - c. 10 percent tree canopy for sites zoned for residential, with densities 20 units or more per acre;
 - d. 15 percent tree canopy for sites zoned for residential, with densities more than 10 but less than 20 units per acre; and
 - e. 20 percent tree canopy for sites zoned for residential, with densities of 10 units or less per acre.

Upon written request, the director of planning may grant approval for any residential project to comply with tree canopy requirements of this section on an overall project basis. Compliance on an overall basis will require review and approval of a tree canopy master plan.

Except for street trees, in lot subdivisions tree canopy utilized to meet this section shall be located in recorded open space, common area or buffers required per 19.1-263.B.1.

2. **Tree Canopy Landscape Plans.** Landscape plans for tree canopy shall be submitted in accordance with 19.1-246.C.
3. **Exclusions.** For the purpose of calculating the area of a site for tree canopy coverage requirements, the following areas shall be excluded:
 - a. ponds and non-wooded wetlands;
 - b. properties reserved or dedicated for school sites, playing fields and other non-wooded recreation areas, and other facilities and areas of a similar nature; and
 - c. portions of a site which contain existing structures that are not the subject of a pending application.
4. **Credits for Preservation of Existing Trees.** Existing trees which are to be preserved may be included in the calculation of the canopy requirements, and may include wooded preserves, if the site or construction plans identify such trees, trees are located within designated preservation areas and the trees are determined by the director of planning to be healthy, viable for canopy provision and long-term preservation.

5. **Designated Tree Canopy Preservation Areas.** Areas which are to be preserved or replanted to meet the requirements of this section shall be designated on site plan and final record plat.

A note shall be provided which states “Removal of trees within designated tree canopy preservation areas shall not be permitted without approval from the direction of planning.”

- D. **Exceptions to requirements.** Upon written request of the developer, the director of planning may approve reasonable exceptions to, or deviations from, the requirements of this section in order to allow for the reasonable development of farmland or other areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or when the strict application of requirements would result in unnecessary or unreasonable hardship to the developer. In such instances, the director of planning may approve satisfaction of a portion of a development’s tree canopy requirement through use of a tree canopy bank or off-site planting or replacement of trees provided that the canopy thereby substituted is located within the Upper Swift Creek Watershed.

- E. **Enforcement.** Penalties for violations of the requirements of this section shall be the same as those applicable to other violations of this chapter as set forth in Sec. 19.1-6.

(Ordinance of 1-22-20)

Sec. 19.1-546. through 19.1-549. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94308.1
1/22/20	2	Upper Swift Creek Tree Preservation	115976.1

DIVISION 4. STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICE BASINS**Sec. 19.1-550. Design Criteria for All Basins.**

A. Design Criteria for All Basins. In addition to the requirements of Section 19.1-212, all basins required by the director of environmental engineering as either a stormwater management facility or a Best Management Practice for water quality improvement or designed as a retention or detention facility for any new development or redevelopment of property shall conform to the following criteria:

1. **Outflow Device Safety Measures.** If a vertical sided weir box is located within the basin's embankment, a 6 foot fence or dense vegetative barrier, or a combination thereof, shall be installed as prescribed by the director of environmental engineering. If a dense vegetative barrier is used, it shall be designed and installed in accordance with professionally accepted landscaping practices and procedures. The director of environmental engineering shall approve plans for the vegetative barrier, including the size and description of proposed plant materials. The dense vegetative barrier shall be a minimum of 6 feet in width. If a fence or vegetative barrier is to be established around the entire basin facility in accordance with Section 19.1-550.A.1., then no barrier or fence is required around the weir box. If a developer uses a concrete weir for either the principal or emergency spillway and the concrete weir is greater than three feet in depth, a pedestrian crossing or access structure shall be established across the weir. A fence or vegetative barrier, or combination thereof, may be substituted if the pedestrian crossing is not practicable.
2. **Basin Safety Measures and Dimensions.** The following safety measures shall be required for that portion of each basin that has a side slope above the normal water surface that is steeper than 6:1 over a horizontal distance of 20 feet or more.
 - a. If the basin averages 4 feet or less in depth and 1 acre or less in surface area, one of the following safety measures shall be used:
 - safety bench; or
 - fence which surrounds the basin.

If the retention basin averages more than 4 feet in depth or more than 1 acre in surface area, one of the following safety measures shall be used:

- both a safety bench and an aquatic bench; or
 - fence which surrounds the basin.
- b. If a safety bench is used, it shall be provided at the toe of the slope of the basin and shall be a minimum of 10 feet wide. The slope across the bench shall be no greater than 10:1.

- c. If an aquatic bench is used, it shall be placed around the perimeter of the permanent pool at the normal water surface elevation and shall be no greater than 12 inches in depth and at least 6 feet in width.
 - d. If a fence is used, the minimum height of the fence shall be 6 feet. The fence may be made of a dense vegetative barrier. If the fence is made of a vegetative barrier, it shall be designed and installed in accordance with professionally accepted landscaping practices and procedures. The director of environmental engineering shall approve plans for the vegetative barrier, including the size and description of proposed plant materials. If a vegetative barrier is used, the property owner or developer shall provide to the county a form of surety for the cost of materials and installation for the proposed plant materials. Provisions for maintenance of and access to the fence or vegetative barrier shall be included in the best management practice easement dedication.
 - e. If a basin is located within 100 feet of any dwelling unit, school, child care center, playground, shopping center, library, hospital, public institution, pedestrian way or similar facility, the director of environmental engineering may, at his discretion, require fencing designed to protect the public safety.
 - f. Side slopes. The side slopes above the normal water surface elevation in basins shall be no steeper than 3:1 (horizontal to vertical). If the excavation of the slope to 3:1 will result in the removal of dense vegetation or woodland that is acting to stabilize the slope, the developer may seek an exception from the director of environmental engineering pursuant to the provisions of Section 19.1-544 to leave the slope in its existing condition.
3. **Perimeter yards.** Basins on property located in an R, R-MF or R-TH district or upon any other property used for residential purposes, schools, child care centers, playgrounds, or within residential subdivisions shall be enclosed by a minimum of a 50 foot vegetative perimeter yard around the basin, measured from the 100 year water surface elevation or the downstream toe of the dam, whichever applies. All basins located within 100 feet of the above described uses and any pedestrian access ways (i.e. sidewalks, bicycle paths, walkways) shall be separated from such uses by a minimum of a 50 foot vegetative perimeter yard measured from the 100-year water surface elevation or the downstream toe of the dam, whichever applies. Except as modified by the planning commission through the site plan process or the board of supervisors through the zoning process, retention or detention basins shall not be located within a buffer required by the zoning ordinance or zoning conditions. The perimeter yard shall be designed to provide a horizontal distance and vegetated open space between the basin and the above listed uses.
4. **Water and Wastewater Lines.** Water or wastewater lines shall not be located within any stormwater management or best management practice facility unless approved by the directors of environmental engineering and utilities.

(Ordinance of 10-26-16)

Sec. 19.1-551. Criteria for Basins Serving as Best Management Practice for Water Quality Improvement.

Basins serving as a best management practice for water quality improvement shall meet the following minimum design criteria:

1. **Depth.** Basins sized solely as best management practice facilities in conformance with the Chesapeake Bay Preservation Act shall have a range in depth of 3 to 8 feet to prevent stratification. For those basins which have been designed with sections which exceed 8 feet in depth, only those portions which are less than 8 feet in depth shall be included as part of the best management practice facility volume. Basins that are less than 1 acre in surface area shall not exceed 8 feet in depth.
2. **Length to width ratio.** The distance between the inflow and outflow points in basins shall be a minimum of 3:1, length to width ratio. If the director of environmental engineering determines that the site conditions do not allow for this ratio, a 2:1 length to width ratio shall be provided. The length is defined as the flow path from inflow point to outflow point, and is to be calculated as prescribed by the most recent edition of the Virginia Erosion and Sediment Control Handbook. If the director of environmental engineering determines that site conditions preclude achieving a 2:1 ratio, the use of baffles or another means of lengthening the flow path shall be required.
3. **Placement of the pond inlet.** If the inlet pipe(s) are submerged, there shall be a minimum of 3 feet from the invert-out of the pipe to the bottom of the pond. If this distance cannot be achieved due to the depth of the permanent pool, then a sediment forebay shall be excavated to obtain a depth of 3 feet.

Sec. 19.1-552. Exemptions and Exceptions.

An applicant may seek an exception from the requirements of this division pursuant to Sections 19.1-527 and 19.1-529. In addition, the exemptions contained in Section 19.1-526 shall apply to this division.

Sec. 19.1-553. through 19.1-569. Reserved.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	1	Date of Adoption	94310.1
10/26/2016	2	Bikeways	96806.3

ARTICLE VI. DEFINITIONS

Sec. 19.1-570. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

Adult business: Adult bookstore/video store, adult mini-motion picture theater, adult motion picture theater, adult store, a business providing adult entertainment or any other establishment, including without limitation any adult modeling studio, adult cocktail lounge or adult nightclub, that regularly emphasizes an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Adult bookstore/video store: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals and/or videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or any other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas or are intended for the sexual stimulation or titillation of patrons.

Adult entertainment: Dancing, modeling or other live performances if the performers' performance is characterized by an emphasis on specified anatomical areas or specified sexual activities, or is intended for the sexual stimulation or titillation of patrons. Also includes the showing of films, motion pictures, video cassettes, slides, photographic reproductions, virtual reality devices, internet sites or files transmitted over the internet, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Adult merchandise: Magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices or other media that are characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas or are intended for the sexual stimulation or titillation of patrons. Also includes toys, novelties, instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs, and lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult mini-motion picture theater: Enclosed building with a capacity of less than 50 persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult motion picture theater: Enclosed building with a capacity of 50 or more persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

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

Aggrieved person: A person is aggrieved when he has a substantial grievance and an immediate, financial and substantial interest in the matter at issue that is different from that suffered by the public generally. A person shall not be considered aggrieved solely due to any personal financial hardship anticipated as a result of business competition associated with a proposed use. Furthermore, an aggrieved person includes the following:

- the owner, lessee or contract purchaser of the subject property;
- the owner, lessee or contract purchaser of property adjacent to the subject property; and
- in the case of administrative site plan review for public facilities only, any county citizen who would be reasonably calculated to use such facility.

Agricultural lands: For the purposes of Chesapeake Bay regulations, lands used for planting and harvesting crops or plant growth of any kind in the open, pasture, horticulture, dairying, floriculture, or raising poultry and/or livestock.

Airport: Area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended to be used for airport buildings or other facilities or rights-of-way, together with buildings and facilities located thereon.

Alley: Public right-of-way or private easement designed to serve primarily as access to the side or rear of properties having their principal frontage on a road. Additionally, an alley may be used for drainage and utility easements and/or improvements.

Alternative financial institution: Automobile title lender, check cashing establishment, motor vehicle title lender, pawnbroker, payday lender, or precious metals dealer, as defined in this chapter.

Aquatic bench: Bench provided beneath the permanent pool and extending around the perimeter of a retention basin. The bench is normally vegetated with emergent plants and is designed to augment pollutant removal and enhance safety.

Automobile: Motorized vehicle designed primarily to transport passengers and/or light cargo on its own structure. The term automobile shall include, but not be limited to, passenger car, pickup truck, panel truck, van, and motorcycle, but shall not include a motor vehicle of tractor trailer.

Automobile self-service station: Establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer and an attendant is on site when the establishment is open for business. This use may also have the capability to fuel a maximum of 2 tractor trailers at any one time, but shall not have parking facilities for tractor-trailers other than that necessary to accommodate the delivery of goods to the establishment. Motor vehicle repair services are not permitted. In addition, sale of convenience goods is permitted as an accessory use.

Automobile self-service station, unmanned: Establishment having pumps and storage tanks from which fuels and oils for automobiles are dispensed or sold at retail and where dispensing is performed by the customer; there is no on site attendant; and repair services are not permitted.

Automobile service station: Establishment having pumps and storage tanks from which fuels and oils for automobiles are dispensed or sold at retail. This use may also have the capability to fuel a maximum of 2 tractor-trailers at the any one time, but shall not have parking facilities for tractor-trailers other than that necessary to accommodate delivery of goods to the establishment.

In addition, the following services and sales may occur for automobiles only: state inspections; sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; sale, servicing and repair of tires, but not recapping or regrooving; replacement of mufflers, tail pipes, water hoses, fan belts, brake fluid, light bulbs, windshield wipers and blades, grease retainers, wheel bearings and the like; radiator cleaning, flushing and fluid replacement; washing and polishing supplies; greasing and lubrication; provision and repair of fuel pumps or fuel injectors, oil pumps and lines; minor adjustment and repair of carburetors; adjustment and repair of brakes; emergency repair of wiring; and minor motor adjustments not involving removal of the head or crankcase.

This use does not include tire recapping; body, major engine or transmission repair, or dismantling or storage of junk or unlicensed automobiles.

In addition, sale of convenience goods is permitted as an accessory use.

Automobile storage lot: See Motor vehicle storage lot.

Automobile title lender: Establishment engaged in the business of lending money secured by a non-purchase interest in an automobile.

Automobile tow lot: See Motor vehicle tow lot.

Automobile wash, automatic or drive-through: Facility where automobiles are washed by machines and may include manual labor by employees such as drying automobiles and cleaning interiors.

Automobile wash, self-service: Facility for cleaning automobiles where cleaning is performed primarily by the automobile owner, but assistance by employees of the facility may be provided. These facilities include wand washes.

Awning: Permanent roof-like structure covered with a flexible material which provides protection from rain or sun, or is used as an architectural accent.

Backwater: Base flood elevation of water resulting from a flow-retarding influence from a dam or other construction, such as a road, embankment, bridge or culvert.

Banner: A type of limited duration sign consisting of a piece of fabric or other flexible material, other than a flag or pennant, and secured so as to not be a moving sign.

Basement: Portion of a building where the majority of the wall area between the floor and the ceiling is below ground.

Belmont Turner Area Central: Area shown on the zoning maps as Belmont Turner Area Central. This area is generally shown as the shaded area on Figure: Belmont Turner Area Central.

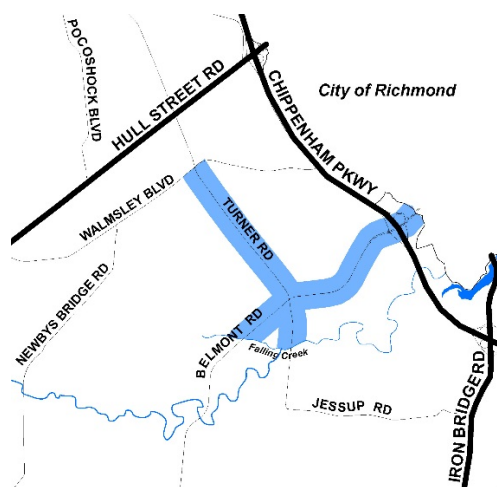


Figure: Belmont Turner Area Central

Best management practice or BMP: A practice that is determined by a state or designated area-wide planning agency, or director of environmental engineering, to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint-sources to a level compatible with water quality goals. A BMP includes, but is not limited to, detention or retention basins.

Bikeway: Improvement specifically designed and designated to accommodate bicycle travel whether within a road, shared use path, trail, or other approved facility. A bikeway may include, or be a part of, facilities which also serve pedestrian or other modes of non-motorized transportation. The term bikeway includes associated safety measures such as, but not limited to, signage and road crossings, as well as provisions for maintenance of the facilities.

Block: Set of adjacent lots or parcels bounded by roads, or by a combination of roads and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of the county.

Boarding house: Single family dwelling where meals and/or lodging are provided for compensation for 3 or more, but not exceeding 9, guests who are not transients.

Boat: Vehicular portable structure, with or without a deck and with or without power, designed for transportation on water.

Boat trailer: Vehicular structure built on a chassis and designed for transporting boats.

Bondsman: Person or establishment, other than a guaranty, indemnity or fidelity and surety company, doing business in the state pursuant to Code of Virginia who is in the business of entering into or offering to enter into bonds for others, for compensation, whether as principal or surety.

Brewery, farm: Farm licensed as a limited brewery in accordance with the Code of Virginia. Greenhouses, hothouses or plant nurseries are permitted for the purpose of starting seedlings to be planted for farm use, but not for direct sale. On premise sale, tasting, or consumption of beer produced or raised on the tract, and sale of beer-related items incidental to the sale of beer is permitted. Construction of a stand or shelter for the sale of such goods is also permitted. Outdoor amplified music is not permitted.

Building: Structure, including a manufactured home, having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The word building does not include a tent or temporary manufactured home. The word building includes structure.

Building, accessory: Building used for a purpose incidental and subordinate to that for which a main building is used.

Building, elevated: For purposes of the floodplain management ordinance, a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Building, main: Building in which the principal use on a lot is conducted. In any residential or agricultural district, any dwelling shall be deemed to be a main building on the lot.

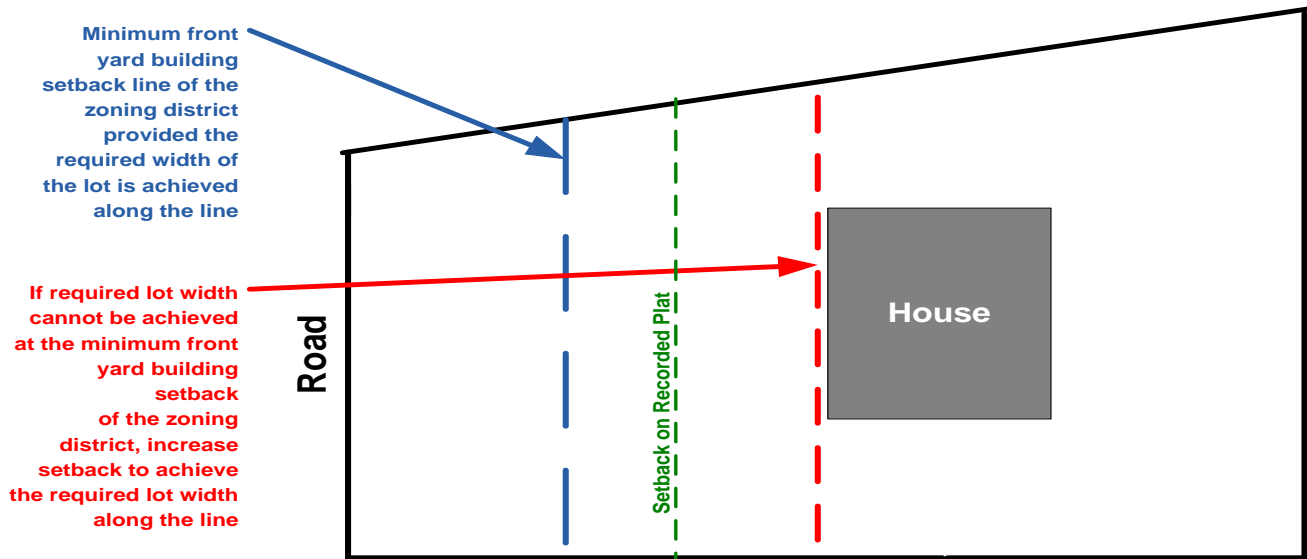
Building height: Vertical distance from grade level to either the:

- highest point of the coping of a flat roof;
- deck line of a mansard roof; or
- average height of the highest gable of a pitch or hip roof.

Building setback line, front: Line within a lot that defines the front building envelope limits. This line shall be the greater of the following distances:

- minimum front yard building setback of the district;
- setback as designated on a recorded plat; or
- location where the lot achieves the minimum lot width requirement.

Figure: Front Building Setback Line



Business from the home, home occupation: Any occupation, profession, enterprise or activity conducted which is incidental and secondary to a dwelling use, including, but not limited to, the home office of a member of a recognized or licensed profession, such as an attorney, physician, dentist, certified massage therapist, musician, artist, real estate salesperson or broker, or engineer. Permitted home occupations shall not include animal hospitals or kennels, beauty parlors, barbershops, dance studios, motor vehicle repair, motor vehicle painting or body work, motor vehicle detailing, nursing homes, convalescent homes, rest homes, private clubs, tourist homes, trash collection or other establishments offering services to the general public.

Canopy, drive-through: Permanent roof structure made of rigid materials providing protection from rain or sun to a drive-through activity.

Canopy, pedestrian: Permanent roof structure made of rigid materials providing protection from rain or sun to a pedestrian area.

Camper body: Non-vehicular portable structure designed to be used as a temporary dwelling for travel, recreation and vacation uses with an overall length of not more than 18 feet.

Cellar: Same as Basement.

Cemetery: Resting place for the dead with burial plots or mausoleum spaces.

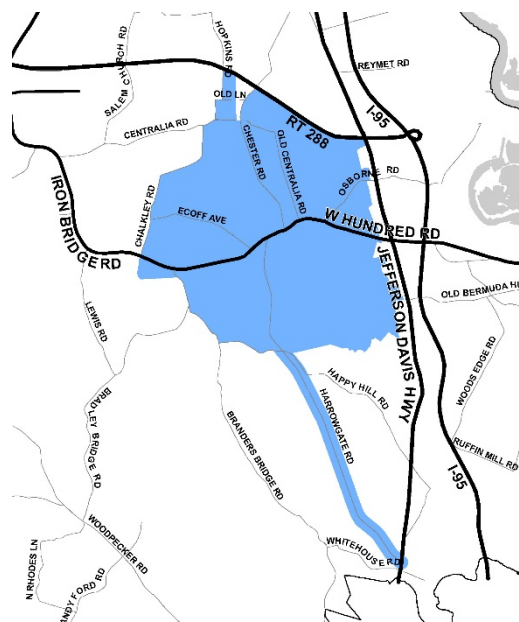
Check cashing incidental use: Cashing of checks, drafts or money orders for compensation, as accessory to a permitted use other than check cashing primary use.

Check cashing primary use: Person or establishment engaged in the business of cashing checks, drafts or money orders for compensation, and registered with the state corporation commission pursuant to Code of Virginia.

Chesapeake Bay preservation area: The area consisting of a resource protection area and a resource management area, collectively.

Chester Area Central: Area shown on the zoning maps as Chester Area Central. This area is generally shown as the shaded area on Figure: Chester Area Central.

Figure: Chester Area Central



Clinic, medical, dental or optical: Establishment where patients who are not lodged overnight are admitted for examination or treatment by physicians, dentists or opticians.

Cocktail lounge: Establishment which serves alcoholic beverages, but has no more than one of the following components: live entertainment or dancing by the public.

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

Columbarium: A permanently designated structure or location, including scatter and memory gardens, designed to contain cremated human remains.

Common area: Land within a development or project designed, developed and maintained for the use and enjoyment of all residents of the development and/or the general public for any of the following: natural vegetation or landscaped areas; aesthetic and accessible ponds and BMPs; active or passive recreational uses including, but not limited to sidewalks, walking and biking paths, playgrounds, swimming pools, and tennis courts; outside public gathering areas designated for temporary activities and events such as, but not limited to art shows, annual celebrations, and special outings that support the recreational nature of open space; and parking lots and buildings accessory to any of these uses. Resource protection areas, perennial stream protection areas, and stormwater management and best management practices (BMP) areas are excluded from the calculation of minimum common area requirements unless such areas are a design feature, recreational amenity or greenway, as determined during plan review. Except for parking lots related, and accessory to, permitted common area uses, common areas shall exclude private pavement and wetlands.

Communication small cell: A wireless facility attached to an existing structure that meets both of the following standards:

- each antenna is located inside an enclosure of, or the antenna and all its exposed elements could fit within an imaginary enclosure of, no more than 6 cubic feet; and
- excluding electric meter, concealment, telecommunications 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, all other equipment associated with the facility does not exceed 28 cubic feet, or such higher limit as may be established by the Federal Communications Commission.

Community, mixed use: Development containing a mixture of residential and nonresidential uses.

Community, nonresidential: Group of buildings or uses containing three or more nonresidential establishments that are planned, developed or managed as a unit.

Community, residential: Recorded subdivision or multi-family project.

Comprehensive plan: Adopted comprehensive plan of the county pursuant to Code of Virginia.

Conditional use: Use that may be permitted in a district by the board of supervisors with or without conditions based upon the guidelines for acting on conditional uses.

Conditional zoning: Classifying of land into districts by legislative action, including reasonable conditions governing the use of the property, such conditions being in addition to the regulations for the zoning district in which the property is located.

Conservation area: For the purposes of Chesapeake Bay regulations, an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances. This area is also referred to as an RPA buffer area.

Construction, new: For the purposes of the floodplain management ordinance, structures for which the start of construction commenced on, or after, February 23, 1983.

Construction, existing: For the purposes of the floodplain management ordinance, structures for which construction commenced before February 23, 1983. Existing construction may also be referred to as existing structures.

Container, shipping: Receptacle, vessel or similar device designed and constructed to hold and protect goods during transport via roadway, water, air or rail.

Consumer finance company: Establishment, other than a bank, credit union, or savings and loan, engaged in the business of making loans to individuals for personal, family, household or other non-business purposes.

Copy: Display on a sign surface in permanent, electronic or removable letter, graphic or numeric form. Copy includes any associated background distinguishable from the sign structure or building.

Courtyard: Space other than a yard on the same lot with a building or group of buildings which is unobstructed and open to the sky.

Crematorium: A room or space within a building where cremation of deceased humans or animals occurs.

Data center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. A facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support the operations.

Data services office: A facility used primarily for the storage, management, processing, and transmission of digital data which is stored in a cloud and is accessible by a wide range of systems and devices. Such facility does not have outside air handlers, power generators, water cooling, storage facilities, utility substations and other outside utility infrastructure to support the operation.

Day care, adult: Facility providing care, protection and guidance to one or more adults during any part of a day.

Day care, child: Facility, other than a family day care home, operated for the purpose of providing care, protection and guidance to one or more children separated from their parents or guardian during a part of the day. Child day care shall not include the following:

- Facility licensed as a summer camp under Code of Virginia;
- A public school or private school, unless the Virginia State Department of Social Services determines that the school is operating a child day care center outside the scope of regular classes;
- School operated primarily for the educational instruction of children 2 to 5 years of age where children 2 to 4 years of age do not attend in excess of four hours per day and children 5 years of age do not attend in excess of 6.5 hours per day;

- Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for the children are attending on site religious services.

Day care, family day care home: Dwelling unit in which the provider resides which is used to provide care, protection and guidance for a maximum of 12 children, exclusive of the provider's own children and any children who reside in the home, and compensation is received for the care of one or more children.

Density: Number of dwelling units or the square footage per gross acre.

Design districts: Areas shown on the zoning maps as having different development standards, such as setbacks, landscaping and architecture.

Design districts, special: Areas shown on the zoning maps as having unique characteristics. Special design districts include Bon Air, Chester, Ettrick, Matoaca and Midlothian.

Detention basin: Stormwater management facility which temporarily impounds run-off and discharges it through a hydraulic outlet structure to a downstream conveyance system. Such facilities are often dry between storms and therefore may be referred to as dry ponds.

Development: Tract of land developed, or proposed to be developed, as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain more than one residential dwelling unit.

For purposes of the floodplain management ordinance, the term development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development approval: The term development approval includes development standards modification; schematic plan; site plan; improvement sketch; and subdivision preliminary, final and construction plan or plat approval.

Development, planned: One or more contiguous lots zoned as a conditional use planned development or one or more contiguous lots under single ownership or unified control, planned as a whole for development in a single or scheduled series of phases, in accordance with an approved master plan, which may include multiple land uses, and as further outlined in this chapter and Chapter 17.

Director of environmental engineering: Director of environmental engineering, or his agent or designee which includes the term environmental engineering department.

Director of planning: Director of planning, or his agent or designee which includes the term planning department.

Director of transportation: Director of transportation, or his agent or designee which includes the term transportation department.

Distillery, farm: Farm licensed as a limited distillery in accordance with the Code of Virginia. Greenhouses, hothouses or plant nurseries are permitted for the purpose of starting seedlings to be planted for farm use, but not for direct sale. On premise sale, tasting, or consumption of alcoholic beverages, other than wine or beer, produced or raised on the tract, and sale of alcoholic-related items, other than the wine or beer, incidental to the sale of such alcoholic beverages is permitted. Construction of a stand or shelter for the sale of such goods is also permitted. Outdoor amplified music is not permitted.

District: A portion of the county within which certain uniform regulations and requirements or various combinations apply under the provisions of this chapter.

Discarded material storage: Use of the open area of any lot, other than a properly zoned junkyard, for depositing or storing discarded material, including but not limited to scrap metals or other scrap material; used or scrap building, plumbing, electrical and heating material; discarded household appliances, furnishings and fixtures; dismantled or demolished motor vehicles; or other machinery or parts thereof.

Display, outside: Area outside of an enclosed building used for the display of goods for sale.

Dry cleaning plant: Facility where clothes which have been dropped off at another location are cleaned. After cleaning, the clothes are typically returned to the drop off point for customer pick-up.

Dwelling or dwelling unit: Building or portion thereof which provides complete independent permanent facilities for living, sleeping, eating and sanitation and is designed for or used exclusively as living quarters by 1 family, but not including a tent, cabin, travel trailer or room in a hotel or motel. A manufactured home or temporary family health care unit shall not be considered a dwelling or dwelling unit.

Dwelling, multiple-family: Building, not to include a townhouse, designed with 3 or more dwelling units each for occupancy by one family.

Dwelling, single family: Building designed as a dwelling unit for use and occupancy by one family.

Dwelling, temporary family health care unit: Transportable residential unit used for a caregiver's provision of residence and care for a mentally or physically impaired person who is certified by a licensed medical physician as requiring assistance with two or more activities of daily living as defined by the Code of Virginia. The unit shall comply with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code.

Dwelling, townhouse: Series or group of single-family attached dwellings on individual lots designed to be sold as individual units on each lot. Individual units shall be separated by party walls, extending from basement to roof, without doors, windows or other provisions for human passage or visibility.

Dwelling, two family: Building designed with 2 single family dwelling units, each for use and occupancy by one family.

Easement: A grant of rights by a property owner to another individual, group, or governmental unit to make a specified use of a portion of real property.

Electric Power Wind Energy System (WES): System, consisting of a wind turbine, tower, and associated control or conversion electronics, which is used primarily to reduce on site consumption of utility power. Excess power generated by the WES and not presently needed for on site consumption may be used by the utility (i.e. net metering).

Elevation, base flood: The Federal Emergency Management Agency designated 1 percent annual chance water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the county's flood insurance rate map. The 100 year flood or 1 percent annual chance flood.

Elevation certificate: For purposes of the floodplain management ordinance, a document prepared in accordance with FEMA regulations which is used to provide the elevation information necessary to: ensure compliance with the county's floodplain management ordinance, determine the proper flood insurance premium rate, and support a request for a letter of map amendment and certain letters of map revision.

Encroachment: For purposes of the floodplain management ordinance, the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Environmental site assessment: For the purposes of Chesapeake Bay regulations, a written evaluation of a site by a qualified expert for the purpose of boundary adjustments to determine the existence of any one of the features of a resource management area, as identified in Section 19.1-521., or to delineate wetlands to establish a resource protection area.

Erect: The term erect includes construct, reconstruct, enlarge and forms thereof, but not the word maintain or any form thereof.

Event, limited: A gathering at which a fee is charged for the purpose of viewing, listening to, or participating in an entertainment or social activity. A limited event shall not include one for which a voluntary donation is accepted in lieu of a fee.

Family: A family consists of one of the following:

- An individual;
- Two or more persons related by blood, marriage, adoption or guardianship plus any domestic servants, foster children and not more than two roomers, living together as a single nonprofit housekeeping unit in a dwelling unit;
- Group of not more than four persons not related by blood, marriage, adoption or guardianship living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit; or
- Residential care home.

Farm: Tract of land used for raising agricultural products, but excluding farm winery; or tract of land on which is kept 1 or more cows, sheep, goats, horses, chickens, other fowl, rabbits, other farm animals, or other small domesticated livestock. Greenhouses, hothouses or plant nurseries are permitted for the purpose of starting seedlings to be planted for farm use, but not for direct sale. On site sale of products produced or raised on the tract is permitted to include the construction of a stand or shelter for the sale of the goods. A farm shall not include commercial plant nurseries, commercial greenhouses, commercial hatcheries or other commercial retail or agriculture-related industrial use.

Fascia: Flat horizontal band located at the base of a pitched roof, between architectural moldings near or at the top of a wall, extending out from a building wall as a separate wall panel, or as the outside edge of a canopy, which provides a visible location to mount signage.

Federal insurance administrator: Person who administers the National Flood Insurance Program of the Federal Emergency Management Agency.

Fence/wall, decorative: Open or solid fence or wall which contributes to the identification of the principal use, is not erected to satisfy any other provision of this Code, and consists of material that is not typically found in security structures, such as chain link.

Fence, lattice: Wooden fence of posts with a minimum of 2 horizontal rails and no less than 1 inch wide perpendicularly crossed laths spaced no more than 2 inches apart.

Fence, picket: Wooden fence with at least 2 horizontal rails and vertical pickets. The pickets shall be no more than 4 inches wide and no further apart than their own width.

Flag, commercial: Sign consisting of a piece of cloth or other flexible material, used to attract attention to a commercial use or activity and attached to a flag or light pole. A commercial flag shall be included in the calculation of freestanding signage on the property.

Flag, noncommercial: Sign consisting of a piece of cloth or other flexible material that only depicts the emblem or insignia of a nation, political unit, educational, charitable, religious, civic or similar group, or is a decorative flag that does not display a commercial message. A noncommercial flag shall be not be included in the calculation of signage on the property.

Flea market, indoor: Five or more persons selling, or offering for sale, goods, wares, or merchandise such as hobby crafts, antiques, art works, new or secondhand articles, or any combination thereof inside of an enclosed building. Yard sales, including sales conducted by nonprofit organizations that are exempt from federal taxes by the Internal Revenue Service, are excluded from this definition.

Flea market, outdoor: Five or more persons selling, or offering for sale, goods, wares or merchandise such as hobby crafts, antiques, art works, new or secondhand articles, or any combination thereof outside of an enclosed building. Yard sales, including sales conducted by nonprofit organizations that are exempt from federal taxes by the Internal Revenue Service, are excluded from this definition.

Flood or flooding: A general or temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters or (b) the unusual and rapid accumulation or runoff of surface waters from any source or (c) mudflows which are proximately caused by flooding as defined by clause (b) of this definition and are akin to 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 and deposited along the path of the current. The terms flood or flooding also include the collapse or subsidence of land along the shore of a lake or other 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, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding from the overflow of inland or tidal waters.

Flood, base: A flood having a 1 percent chance of being equaled or exceeded in any given year. Also known as a 100 year flood.

Flood insurance rate map (FIRM): Official map of the county on which the federal insurance administrator has delineated the special hazard areas applicable to the county. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study (FIS): Examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Flood, 100-year: See base flood.

Floodplain or flood-prone area: Land area susceptible to being inundated by water from any source.

Floodplain management: Operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

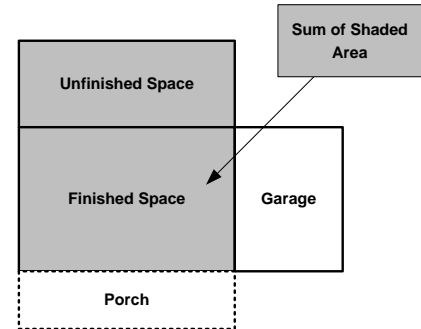
Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: 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 1 foot at any point. Some of these areas are shown on the county's flood insurance rate map.

Floodway fringe: The area of the floodplain that can be completely obstructed without increasing the water surface elevation of the base flood by more than 1 foot at any point. Some of these areas are shown on the county's flood insurance rate map.

Floor area, gross: Sum of the horizontal area of all floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including outside storage areas, attached garages or carports, enclosed porches or rooftop enclosures housing mechanical equipment. Also referred to as “gfa”.

Figure: Gross Floor Area



Floor, lowest: For purposes of the floodplain ordinance, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Code of Federal Regulations, 44 CFR § 60.3.

Fore bay, sediment: Stormwater design feature that employs a small settling area near the inlet of a retention basin which is used to settle out incoming sediments and which enhances sediment removal for maintenance purposes.

Frontage: Continuous length of the property line of a lot measured along a single road, against which the land abuts. Access easements shall not be considered frontage.

Garage, private: Accessory building occupied, or intended to be occupied, by passenger motor vehicles of the residents on the lot, including a carport. A private garage having a vehicle capacity of a maximum of 3 may have two spaces occupied by commercial vehicles. A private garage having a vehicle capacity of 3 or more can have no more than one-half of the spaces occupied by commercial vehicles.

Garage, public: Building or portion thereof which is open to the public designed or used for equipping, servicing, repairing, hiring, storing or parking motor driven vehicles. The term repairing shall include tire recapping, or body, major engine and transmission repairs, but shall not include dismantling or storing junked vehicles.

Golf course: Property which has been improved with greens, tees areas and fairways designed for playing golf, and including customary accessory uses and buildings.

Grade: Average of the finished ground level measured at the center of all walls of a building. Where walls are parallel to, and within five feet of, a sidewalk, the grade (ground level) may be measured at the sidewalk.

Graveyard: Place of burial of human dead maintained by a church or family with burial plots or mausoleum space.

Group care facility: Adult or child caring institution or facility, other than a residential care home, halfway house or hospital, designed to provide resident services to individuals requiring rehabilitation or personal services because they are physically handicapped, mentally ill, mentally retarded, developmentally disabled, aged, infirm, chronically ill, incurably afflicted, children in need of services, or children separated from their parents or guardian.

Halfway house: Adult or child caring institution or facility established, operated or used by the Virginia Department of Corrections or the Federal Bureau of Prisons for the temporary care of adults on probation or parole, or for the temporary training, confinement or detention of children.

Hospital: Institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital may include, as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

Hotel: Building designed for transient occupancy, containing lodging rooms or suites accessible from a common hall or entrance, providing living, sleeping and bathroom facilities. A hotel may include a central kitchen, meeting rooms, dining rooms, restaurants, night clubs, gift shops and recreation rooms. The term hotel shall not include a motel.

Hydrologic and hydraulic engineering analysis: Analysis performed by a 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.

Impervious cover: Surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, roads, parking areas and any concrete, asphalt or compacted gravel surface.

Institutional building: Building owned, occupied and used by institutions of a civic, religious, charitable, educational or philanthropic nature.

Intercom: Device designed for two-way communication between a person within a structure and a pedestrian or operator of a motor vehicle, and which is not generally audible to others.

Junkyard: Use of more than 200 cubic feet of the open area of any lot or parcel of land for depositing, sorting, refining, baling, dismantling or storing junk, including, but not limited to: scrap metals or other scrap material; used or scrap building, plumbing, electrical and heating material; discarded household appliances, furnishings and fixtures; dismantled or demolished motor vehicles or other machinery or parts thereof; or one or more motor vehicles that are inoperable and economically impractical to make operative. The term junkyard shall not include a motor vehicle tow lot, or any of the things recited herein which are incidental and accessory to any agricultural or industrial use.

Kennel, commercial: Facility where dogs are kept for boarding, breeding, care, grooming, sale or other purpose for commercial purposes.

Kennel, private: Place where four or more dogs, more than four months old, are kept for private use.

Landfill, construction, demolition and debris: A place to bury waste consisting primarily of construction and land cleared material and covering it over with an acceptable cap material. Waste shall be limited to:

- stumps, wood, brush and leaves from land clearing operations;
- lumber, wire, sheetrock, brick, shingles, glass, pipe, concrete, metal, plastics or any empty containers of such materials from construction sites;
- waste from the demolition of buildings and structures and their foundations, including construction waste; and
- inert waste to include concrete, broken brick, brick, blocks and rubble.

Laundromat: Building where clothes or other household articles are washed, dried, or ironed using self-service machines, but delivery service is not provided.

Letter of map amendment (LOMA): An amendment based on technical data showing that certain property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that the property or structure is not located in a special flood hazard area.

Letter of map change (LOMC): An official FEMA determination, by letter, which amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include a letter of map amendment, letter of map revision, and conditional letter of map revision.

Letter of map revision (LOMR): Revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

Letter of map revision based on fill (LOMR-F): 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 county's floodplain management regulations.

Letter of map revision, conditional or conditional letter of map revision (CLOMR): 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 or flood insurance study.

Live entertainment: Entertainment provided by artists performing in person including, but not limited to, musical performances, disk jockeys, public speaking, dramatic performances, dancers, modeling or comedy.

Lot: A single recorded partitioned land area set off by metes and bounds and occupied, or intended to be occupied, by a principal building or buildings and accessory buildings and uses, together with such open spaces as are required under this chapter, and having not less than the minimum area required by this chapter for a lot in the district in which it is situated and fronting on a road except as otherwise permitted. For purposes of this chapter only, a lot includes a plot, parcel or premises.

Lot area: Area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a lake or river.

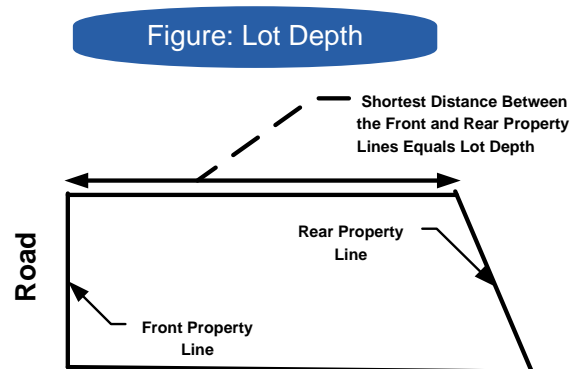
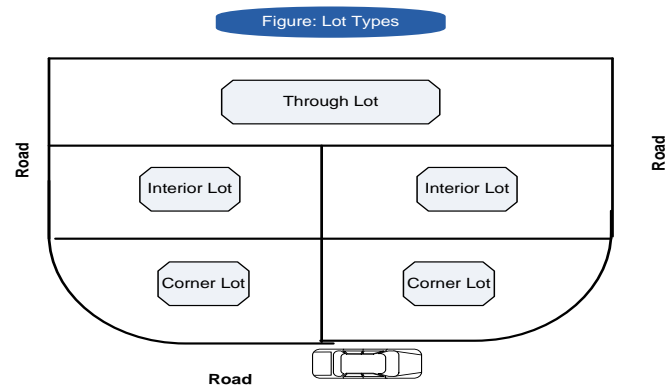
Lot, corner: Lot situated at the intersection of two roads that generally has an adjacent interior angle not greater than 135 degrees.

Lot, coverage: Area of a lot occupied by any principal and accessory buildings.

Lot, interior: Lot other than a corner lot.

Lot, through: Lot having a pair of opposite lot lines along two, more or less parallel, roads and which is not a corner lot. Except for a lot in a residential or residential townhouse district which has a buffer along a road, both road lines shall be front lot lines. For a lot with a buffer along a road, the land adjacent to the buffer shall be the rear lot line.

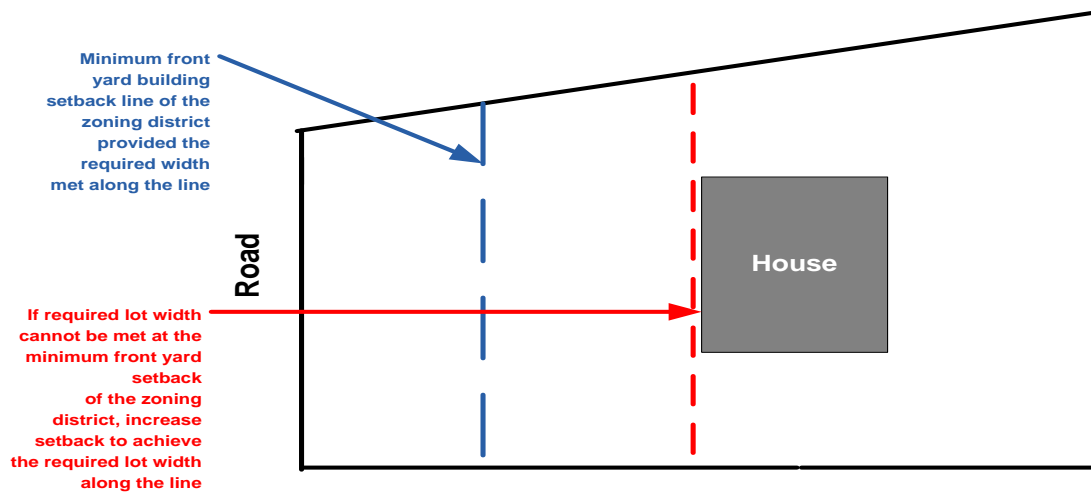
Lot depth: Shortest horizontal distance between front and rear lines of a lot measured perpendicular to the road.



Lot of record: Lot shown on a subdivision plat recorded in the circuit court clerk's office.

Lot width: Horizontal distance between the side lines of a lot measured along the minimum front yard building setback line. If the width required by the district is not met at the minimum front yard setback line, then the width shall be met by increasing the front yard setback to a line where the minimum width for the district is achieved. Lot width shall be measured between the side lines at generally equal angles created by the intersection of the setback line and each side line.

Figure: Lot Width



Lot, zoning: Tract of land, located within a single block, which at the time of filing for a building permit, or if no building permit is required, at the time of filing for a certificate of occupancy, is designated by its owner or developer as a tract all of which is to be used, developed or built on as a unit under single ownership. A zoning lot may or may not conform to a lot of record.

Low Impact Development (LID): Design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions of storage, infiltration and groundwater recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, floodplains, woodlands, and highly permeable soils.

Manufactured home, temporary: Manufactured home which is not permitted by right in the zoning district in which it is located, but is allowed with either a manufactured home permit or special exception.

Manufactured home: A structure subject to federal regulation which is transportable in one or more sections and conforms to the following:

- 8 feet or more in width and 40 feet or more in length, or is 320 or more square feet when erected on site;
- built on a permanent chassis;
- designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to required utilities; and
- includes plumbing, heating, air conditioning and electrical systems.

The term manufactured home shall include mobile home.

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, but does not include a recreational vehicle; however, for insurance purposes the term manufactured home does not include park trailers, travel trailers or other similar vehicles.

Manufactured home park: Development where 2 or more manufactured homes are located and where spaces or lots are not for sale. The term manufactured home park shall include mobile home park.

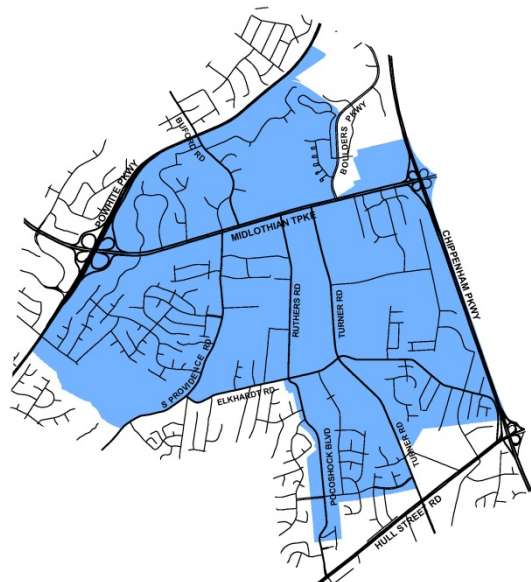
Manufactured home subdivision: Subdivision designed solely for two or more manufactured homes and where individual manufacture homes are located on individual lots of record.

Mass transportation: Station or location serving railroad, rapid rail transit, bus, or taxicab transportation.

Massage clinic: Establishment where a massage therapist certified by the Commonwealth of Virginia gives a client a massage.

Midlothian Area East: Area shown on the zoning maps as Midlothian Area East. This area is generally shown as the shaded area on Figure: Midlothian Area East.

Figure: Midlothian Area East



Midlothian Area West: Area shown on the zoning maps as Midlothian Area West. This area is generally shown as the shaded area on Figure: Midlothian Area West.

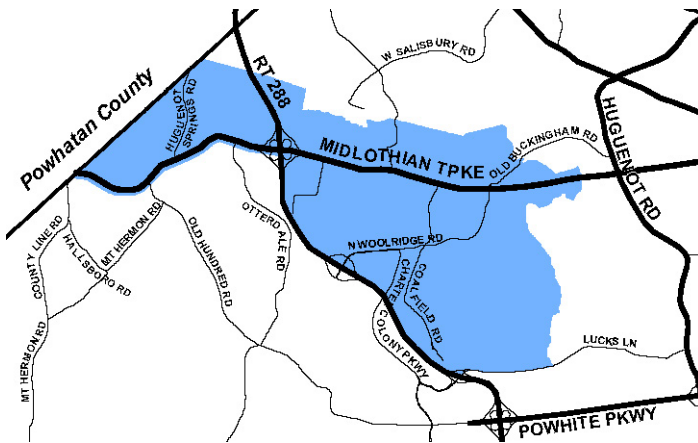


Figure: Midlothian Area West

Mini-warehouse: Building consisting of individual, small, self-contained units that are used or designed to be used for storing household goods, business goods or contractors' supplies.

Modular home or unit: Industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprising two or more industrialized building units, and not designed for ready removal to or installation or erection on another site.

Motel: Building or buildings designed for transient occupancy containing locking rooms or suites accessible through a common hall or separate outside entrances. A central kitchen, meeting rooms or dining room are not generally provided within the same structure as rooms or suites.

Motor Vehicle: Motorized vehicle, other than an automobile or tractor trailer, which is primarily designed to transport passengers and cargo on its own structure; or to perform a function such as plowing, earth moving or equipment moving. The term motor vehicle shall include, but not be limited to, a bus and stake truck.

Motor vehicle consignment lot: Person or establishment whose primary business is the selling of motor vehicles as an agent for the owner of the vehicle, in return for any form of compensation.

Motor vehicle self-service station, unmanned: Establishment having pumps and storage tanks from which fuels and oils for motor vehicles are dispensed or sold at retail and where dispensing is performed by the customer; there is no on-site attendant; and repair services are not permitted.

Motor vehicle storage lot: Use of a lot for the temporary storage of motor vehicles, automobiles and recreational vehicles, not to include a tow lot or junkyard.

Motor vehicle title lender: Establishment engaged in the business of lending money secured by a non-purchase interest in a motor vehicle.

Motor vehicle tow lot: Use of a lot for the temporary storage of damaged, disabled, inoperative or impounded motor vehicles, automobiles or machinery. Except as described herein, temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to 6 months if the owner submits certification that legal obligations preclude removal of such vehicles. The term motor vehicle tow lot shall not include vehicle or machinery storage accessory to a motor vehicle sales, service, repair or rental use, motor vehicle service station, body shop, or similar use; nor the parking of wreckers or similar vehicles accessory to a motor vehicle sales, service, repair or rental use.

Nightclub: Commercial establishment which serves alcoholic beverages and has live entertainment and dancing by the public.

Nursing home: Convalescent home, rest home or dwelling for more than three persons who are aged, infirm, chronically ill or incurably afflicted, and any place devoted primarily to the maintenance and operation of facilities for the treatment and care of such persons (excluding extensive or intensive care that is normally provided in a general hospital or other specialized hospital) who require care in excess of room and board and who need medical, nursing, convalescent or chronic care.

Occult Sciences: Person or establishment engaged in the occupation of a fortune teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader, tea leaf reader, prophet, psychic or advisor or who in any other manner claims or pretends to tell fortunes, or claims or pretends to disclose mental faculties of individuals for any form of compensation. Nothing contained herein shall be construed to apply to a person pretending to act as a fortune teller in a properly licensed theater as part of any show or exhibition presented therein or as part of any play, exhibition, fair or show presented or offered in aid of any benevolent, charitable or educational purpose.

Off-track betting facility: Facility that broadcasts the audio or video portion, or both, of horse races from a licensed horse racetrack or off-track betting facility by satellite communication devices, television cables, telephone lines or any other means for the purpose of conducting wagering on those races.

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

Outparcel: Site for a freestanding building or use within a nonresidential community.

Parapet wall: Wall that extends above the top of a flat roof.

Park, commercial: Development that contains 3 or more business establishments that are planned, developed or managed as a unit, related in location, size and type of uses to the area that the park serves, and that provides on site parking based on the size and types of businesses.

Park, industrial: Development that contains 3 or more industrial establishments that are planned, developed or managed as a unit and related in location, size and type of uses to the area that the park serves and that provides on site parking based on the size and types of industrial uses.

Park, office: Development that contains 3 or more separate office buildings that are planned, developed or managed as a unit, related in location, size and type of uses to the area that the park serves, and that provides on site parking based on the types and sizes of offices.

Park, private: Privately owned area of land, usually having active or passive recreational use such as, but not limited to, paths, sports fields, playgrounds or picnic areas.

Park, public: Publically owned area of land, usually having active or passive recreational use such as, but not limited to, paths, sports fields, playgrounds or picnic areas.

Parking: The term parking includes parking spaces, drives, driveways and stacking spaces, except where otherwise stated.

Pawnbroker: Person or establishment that lends or advances money or other things on the pledge and possession of personal property or other valuable things, other than securities or written or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Payday lender: Establishment, other than a bank, credit union, or savings and loan, engaged in the business of making short-maturity loans on the security of a check, any form of assignment of an interest in the account of an individual at a depository institution, or any form of assignment of income payable to an individual, other than loans based on income tax refunds.

Pedestrian way: Circulation system designed to be used primarily by pedestrians.

Pennant: Lightweight plastic, fabric or other similar material, suspended from a rope, wire, or string, usually in series, and designed to move in the wind. A pennant may or may not contain copy.

Personal service establishment: Commercial establishment providing a service to the public such as, but not limited to, a barber shop; beauty shop; dry cleaner pick-up, drop-off or coin-operated; photography studio; shoe repair; tailor shop; and other uses of similar intensity and nature, as determined by the director of planning.

Photovoltaic: Materials and devices that absorb sunlight and convert it directly into electricity.

Pixel pitch: The distance between individual pixels for computer controlled variable message electronic (EMC) signs. The smaller the pixel pitch the higher the resolution of such sign.

Plan review: The term plan review includes schematic, site; conceptual plan, preliminary, final and construction plans or plats for subdivisions; and other plans required by this chapter.

Pollution, nonpoint source: Pollution consisting of constituents such as sediment, nutrients and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Precious metals dealer: Person or establishment defined as a dealer in County Code Sec. 15-131 that is not accessory to a jewelry or coin store.

Premises: The term premises includes a lot, parcel, tract or plot of land, together with all buildings and structures thereon.

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

Project: Development that is planned, developed or managed as a unit.

Public address system, outside: Device used for broadcast of messages or music outside which designed to be audible by more than 1 person.

Qualified expert, resource management area: Person who has performed at least three wetlands delineations that have been approved in writing, with documentation, by the Corps of Engineers. An individual who has not had three wetland delineations approved by the Corps may perform the delineation, but it shall be approved by the Corps prior to submission to the county.

Qualified expert, resource protection area: Person who is an engineer and a certified soil scientist or, at a minimum, a certified soil scientist. Certification may be obtained through a national or state certification program, or by a degree in soils science.

Recreational equipment: Equipment, including boats, boat trailers, rafts, house trailers, travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers and the like, and trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. The term recreational equipment includes recreational vehicle.

Recreational establishments, commercial indoor: Establishments providing commercial indoor recreational services, including, but not limited to, arcades, billiard parlors, bowling alleys, pool halls, laser tag and paint ball.

Recreational vehicle: Vehicle which is built on a single chassis and is 400 gross square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck, and designed primarily for temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment: Process of developing land that is, or has been, previously developed.

Refacing: Replacement of a sign face with a new face of equal size to that of the original that does not alter any other aspect of the sign.

Residential care home: Adult or child caring dwelling housing a maximum of 8 individuals exclusive of one or more resident counselors or other staff. Such facility shall either be licensed by the Virginia State Department of Behavioral Health and Developmental Services to provide residential services to individuals who are mentally ill, mentally retarded, or developmentally disabled, or the Virginia State Department of Social Services to provide residential services to individuals who are aged, infirmed or disabled. For the purposes of this section, mental illness and developmentally disabled shall not include persons who illegally use or are addicted to a controlled substance, as defined in the Code of Virginia.

Resource management area: Component of the Chesapeake Bay preservation area that is not classified as a resource protection area. The term resource management area includes the term RMA.

Resource protection area: Component of the Chesapeake Bay preservation area comprised of lands adjacent to water bodies with perennial flow which have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts that may result in significant degradation to the quality of state waters. The term resource protection area includes the term RPA.

Restaurant, carry-out: Establishment whose principal business is the sale of food and beverage items in a ready-to-consume state for off-premise consumption and includes the following characteristics:

- The on-premise consumption of items is prohibited and strictly enforced by the restaurateur;
- Items are usually served in edible, paper, plastic or other disposable containers ;and
- Items are either picked up by, or delivered to, the consumer.

Restaurant, fast-food or drive-in: Establishment whose principal business is the sale of food, frozen dessert or beverage items in a ready-to-consume state for on- or off- premise consumption and includes the following characteristics:

- Items are served in edible, paper, plastic or other disposable containers and eating utensils are disposable;
- Items are usually served over a general service counter, through a drive-in window or via curb service; and
- If items are consumed on-premises, customers generally are expected to clear their own tables and dispose of their trash.

Restaurant, Sit-down: Establishment whose principal business is the sale of food and beverage items to the customer in a ready-to-consume state primarily for on-premise consumption and includes one or both of the following characteristics:

- Customers are normally provided with an individual menu and are served at the same table or counter where items are consumed;
- Customers are served in cafeteria-style setting, and items are consumed within the restaurant structure.

Retail: Commercial establishments offering for sale to the public goods such as, but not limited to: antiques, artist materials and supplies, baked goods, books, cameras, candy, clothing, pharmaceuticals, flowers, groceries, gifts, hardware, hobby supplies, jewelry, magazines, motor vehicle accessories, musical instruments, newspapers, office supplies, pets, sporting goods, stationary, telephones, toys, videos, and other uses of similar intensity and nature, as determined by the director of planning.

Retention basin: Stormwater management facility which temporarily impounds run-off and incorporates a permanent pond to remove pollutants. The treated stormwater is discharged through a hydraulic outlet structure to a downstream conveyance. These facilities may be referred to as wet ponds.

Road: Unless otherwise specified, a public right-of-way which provides vehicular access to properties, or provides for through traffic. Unless otherwise specified, a road shall be deemed the total length and width of the strip of land dedicated or designed for public travel, including such improvements required to become part of the Virginia Department of Transportation system. Road include those designated as an arterial, collector, residential collector, highway, parkway, street, avenue, road, boulevard, lane, place, cul-de-sac or any other public way.

For the purposes of Chesapeake Bay regulations, publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to the Erosion and Sediment Control Law of the Code of Virginia and the Virginia Stormwater Management Act of the Code of Virginia. This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by a local government in accordance with the standards of that local government.

Road, major arterial: There are two classifications of major arterials based upon their function and right-of-way width. The term major arterial includes the term arterial. These roads are shown on the comprehensive plan or as may be determined by the director of transportation.

Road, center line: The center line of a road shall be the center line as established by the transportation department or the Virginia Department of Transportation. If no center line has been established, the center line of a road shall be a line lying midway between the side lines of the right-of-way.

Road, collector: These roads are shown on the comprehensive plan or as may be determined by the director of transportation. Collector roads shown on the comprehensive plan do not include residential collector roads.

Road, limited access: These roads are shown on the comprehensive plan or as may be determined by the director of transportation.

Road, local: Road of limited continuity used primarily for access to abutting properties and serving local needs.

Road, residential collector: Road which is projected to carry average daily traffic volumes above the acceptable level established by the planning commission Stub Road Policy and which typically does not permit access to individual lots except as may be allowed through the subdivision process.

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

Roofline: Top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

Route 10 Area North: Area shown on the zoning maps as Route 10 North. This area is generally shown as the shaded area on Figure: Route 10 North.

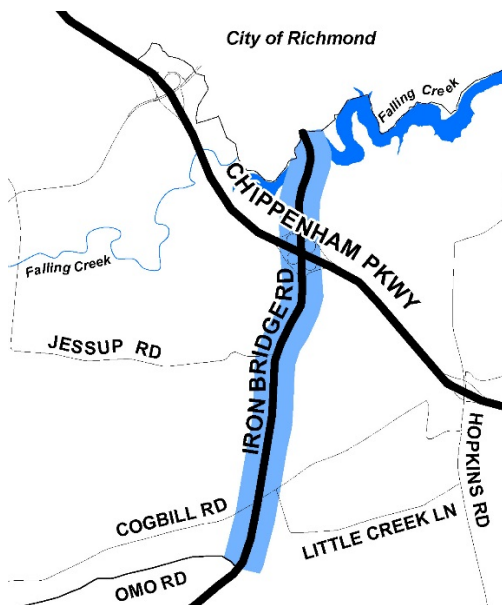


Figure: Route 10 Area North

RPA buffer area: See conservation area.

Safety bench: Level, or almost level, area designed to enhance safety and located at the toe of the slope of the retention basin immediately landward of a permanent pool.

School, public/private: An establishment of general instruction which may be publicly or privately owned and/or operated. Unless otherwise specified, the term public/private school includes the term college, but does not include art, business, dance, music or vocational schools.

Shared use path: A form of infrastructure separated from motor vehicle traffic that supports multiple modes of transportation such as bicycles, wheelchairs, pedestrians and other non-motorized forms of transportation.

Shopping center: Development that contains three or more commercial establishments that are planned developed or managed as a unit, and related in location, size and type of shops to the area that the unit serves, and that provides on site parking based on the types and sizes of stores.

Sign: Display of figures or copy visible to the public for the purpose of making anything known or attracting attention. The term sign includes the sign structure and commercial flags, but excludes works of art or architectural features that do not include or imply a commercial message.

Sign box: Structure that encloses the sign face and other components.

Sign, building mounted: Permanently attached sign, erected or painted on the outside wall, roof, window or door of a building. Building mounted signs do not include freestanding signs.

Sign, changeable copy: Sign upon which copy can be changed or altered.

Changeable copy signs include the following:

- Manual: Sign with copy that can be changed or altered by manual means.
- Electrical: Sign with copy that can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Electrical signs include the following:

Fixed message electronic. Sign with copy designed or preprogrammed to solely provide static monochromatic numeric display. For the purposes of this definition the following symbols that indicate the unit of the numbers displayed are permitted: \$ for dollar, % for percent, ¢ for cent and ° for degree.

Computer controlled variable message electronic (EMC). Sign with copy that can be changed or altered by means of computer-driven electronic impulses, excluding fixed message electronic signs.

Sign, cladded pole: Freestanding sign supported by a pole or other structure which is fully enclosed within a nonstructural covering complying with sign design standards. For a cladded pole sign, except for outdoor advertising signs, the cladded base shall fully extend from ground to sign face and have a width of a minimum of 1/3 of the sign face.

Sign, freestanding: Sign supported by a fence, wall, upright structural members or braces that are on, or in, the ground. Freestanding signs do not include signs attached to a building.

Sign, illuminated: Sign with an artificial internal or external light source that illuminates the sign.

Sign, limited duration: Temporary sign or banner permitted for a limited time period.

Sign modernization area (SMA): Designated area in which outdoor advertising signs are permitted in accordance with the chapter.

Sign, monument: Freestanding sign supported by either a decorative foundation which is at least as wide as the sign face, or by 2 or more decorative columns above a minimum 2 foot high decorative foundation where the aggregate width of the columns is equal to, or greater than, 40% of the width of the sign itself.

Sign, new outdoor advertising. Includes existing outdoor advertising signs that, in conformance with this chapter, are expanded, rebuilt or converted to EMC, or outdoor advertising signs that are permitted to be built in designated Sign Modernization Areas.

Sign, outdoor advertising: Sign or structure used as an outdoor display for the purpose of making anything known, when the matter advertised or displayed is not related to the premises where such sign is located. Outdoor advertising signs do not include the off-site signs specifically permitted in this chapter.

Sign, permanent: Sign attached to the ground or a structure, intended to exist for the life of the structure or use, and which cannot be easily removed.

Sign, projecting: Sign, attached to a building wall, projecting at an angle and extending more than 18 inches from the building wall face.

Sign, sidewalk: Temporary sign having an A-frame structure that is located in pedestrian area adjacent to an eligible use.

Sign structure: An assembly of materials used to support a sign, including the exterior form and finishes that define sign copy area.

Sign, temporary: Sign, not permanently affixed to the ground or a structure, designed or constructed such that it can be moved or relocated without requiring any structural or support changes.

Sign, traffic control: Sign solely regulating safe driving, parking or traffic movement.

Sign, under canopy: Sign mounted perpendicular to a building face located under, and attached to, the ceiling of a building mounted canopy.

Sign, Special Design District entrance: Freestanding sign located at, or near, the entrance to a Special Design District.

Sign, window: Sign attached to a door or window that is legible from the exterior of the building.

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

Slope, steep: Land area which rises or falls at a rate of 20 feet or more per 100 feet as measured in the horizontal plane.

Soils, highly erodible: Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than 8. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where R is the rainfall and runoff K is the soil susceptibility to water erosion in

the surface layer, LS is the combined effects of slope length and steepness, and T is the soil loss tolerance.

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

Solar energy facility, large scale. 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.

Solar energy facility, limited: System that utilizes sunlight to produce heat, electricity or both to serve 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, small scale. A facility that utilizes photovoltaic (PV) materials and systems along with related on-site facilities which 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 small scale solar energy facility shall not exceed two acres provided that where rooftops of buildings containing a permitted use are utilized, the facility area may be increased by the square footage of such 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 small scale solar energy facilities are adjoining or interconnected, and total area of combined facilities exceed two acres, they shall be considered a large scale solar energy facility and subject to applicable regulation.

Special exception: Use which may be permitted by the Board of Zoning Appeals under certain conditions.

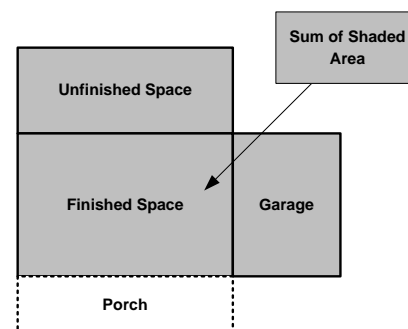
Specified anatomical areas: Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Human genitals in a state of sexual stimulation or arousal; acts or simulation of human masturbation, sexual intercourse or sodomy; and/or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Special flood hazard area (SFHA): Land in the floodplain subject to a 1 percent or greater chance of being flooded in any given year.

Square footage, gross: Sum of the horizontal area of all floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. Unless revised by a condition of zoning approval, gross square footage shall include finished and unfinished areas, enclosed attached outside storage areas, attached garages, and enclosed porches. Gross square footage shall not include covered or uncovered open appurtenances such as unenclosed porches, breezeways or decks.

Figure: Gross Square Footage



Stacking spaces: Queuing area for motorists who remain in their vehicles awaiting service at a drive-in, or drive-through facility or to discharge or pick up passengers at other facilities.

Start of construction: For purposes of the floodplain management ordinance, and for other than new construction and substantial improvement under the Coastal Barriers Resource Act (P.L. – 97-348), start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement occurs 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 slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of roads 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 on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage, outside: Area outside of an enclosed building used for the storage of items such as, but not limited to, equipment, above ground storage tanks, supplies, vehicles awaiting repair of body or engine damage, inventory of goods such as building materials at home centers, or parking areas for company owned and operated vehicles, excluding passenger vehicles and trucks where the cargo area may be accessed from the driver's seat without exiting the vehicle. Outside storage shall not include outside display.

Story: That portion of a building, other than a cellar or basement, extending from the surface of any floor to the surface of the above floor, or, if there is no floor above, then the portion of a building extending from the floor to the ceiling above it.

Story, half: That portion of a building immediately under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of the story.

Street: Same as road.

Street, loop: Local street that has 2 points of intersection onto a street. The minimum depth of a loop street shall be not less than 3 times the required right-of-way width as measured from the adjacent right-of-way line of the through street to the inside right-of-way line of the loop or similar location if the loop is totally contained within the right-of-way.

Structural alteration: Any change requiring a building permit, in the supporting members of a building or structure, including bearing walls, columns, beams, girders or similar parts of a building or structure, or any substantial change in the roof of a building.

Structure: Anything constructed or erected which has a permanent location on the ground or which is attached to something having a permanent location on the ground. For purposes of the floodplain management ordinance, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Subdivision: As defined in Chapter 17.

Substantial accord: Determination pursuant to the Code of Virginia, the county's charter and the substantial accord policy that certain proposed public features, uses areas, structures and facilities are substantially in accord with the comprehensive plan.

Substantial damage: For the purposes of the floodplain management regulations, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal, or exceed, 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: For the purposes of the floodplain management and Chesapeake Bay regulations, any reconstruction, rehabilitation, addition or other improvement to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- Any project, or improvement of a structure, to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a historic structure that will not preclude the structure's continued designation as a historic structure.

Surface treatment: Treatment of parking area with tar and gravel.

Tent: Portable shelter made of canvas, plastic or other moisture resistant material, stretched over a supporting framework of poles with ropes and pegs, intended for temporary use.

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

Tidal wetlands: Vegetated and non-vegetated wetlands as defined by the Code of Virginia.

Tractor trailer: Truck with a cab, equipped with a coupling device to pull trailers, tankers or semitrailers. The term tractor trailer shall include the truck with a cab and if connected a trailer, tanker or semi-trailer. The term tractor trailer shall include, but not be limited to, tractor truck and semitrailer.

Tractor trailer service station: Establishment having pumps and storage tanks from which fuels and oils for tractor trailers are dispensed or sold at retail. This use may have the capability of fueling more than 2 tractor trailers at any one time. This facility may also have accommodations for dining, sleeping, bathing and tractor trailer parking.

In addition, the following services and sales may occur for tractor-trailers: state inspections; sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; sale, servicing and repair of tires, but not recapping or re-grooving; replacement of mufflers, tail pipes, water hoses, fan belts, brake fluid, light bulbs, windshield wipers and blades, grease retainers, wheel bearings and the like; radiator cleaning, flushing and fluid replacement; washing and polishing supplies; greasing and lubrication; provision and repair of fuel pumps or fuel injectors, oil pumps and lines; minor adjustment and repair of carburetors; adjustment and repair of brakes; emergency repair of wiring; minor motor adjustments not involving removal of the head or crankcase. This use does not include tire recapping; body, major engine or transmission repair; or dismantling or storage of junk or unlicensed vehicles.

In addition, sale of convenience goods is permitted as an accessory use.

Transaction screen: Standardized approach to environmental due diligence that provides a generally acceptable degree of confidence about the environmental condition of the property. The study includes a search of governmental databases and a review of regulatory agency records describing any detailed environmental investigations which may have occurred on the property. It also includes a questionnaire concerning the environmental history of the property and a site visit to observe site conditions on and around the property.

Travel trailer: Vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use. When factory-equipped for the road, the travel trailer may not exceed a gross weight of 4,500 pounds, or an overall length of 32 feet.

Travel trailer park: Property used, or intended to be used, by two or more campers, travel trailers, tents or similar facilities for temporary recreational use by transients.

Use: Purpose for which land, or a building or structure is designed, arranged or intended, or for which it is occupied or maintained.

Use, accessory: Use that is customarily incidental to the principal use of a lot, building, or structure located on the same lot as the accessory use.

Use, nonconforming: The lawful use of land, buildings, structures and premises existing on the effective date of this chapter which does not conform to the applicable provisions of this chapter.

Use, permitted: Use which may be lawfully established in a particular district or districts provided it conforms to all requirements and regulations of such district.

Use, principal: Primary use of land, buildings, or structures as distinguished from a subordinate or accessory use.

Use, residential: The term residential use shall include single family, multifamily, townhouse, manufacture home and residential care uses.

Utility trailer: Vehicular structure built on a chassis which is designed to be used for personal hauling and conveyed by being attached to an automobile or motor vehicle.

Variance: An exception granted by the board of zoning appeals to allow a reasonable deviation from those provisions of this chapter regulating the shape, size or area of a lot, or the size, height, area, bulk or location of a building or structure, when the strict application of the ordinance would unreasonably restrict the use of the property, the need for the variance is not shared generally by other properties, and the variance is not contrary to the purpose of this chapter.

Variance, administrative: Exception granted by the director of planning from any building setback requirement.

Veterinary clinic: Establishment where animals are admitted for examination by a veterinarian, but there is no overnight care.

Veterinary hospital: Establishment providing surgical or medical treatment and overnight care for to animals.

Violation: For purposes of the floodplain management ordinance, the failure of a structure or other development to be fully compliant with the county's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the floodplain management ordinance is presumed to be in violation until such time as the necessary documentation is provided.

Vista: For the purposes of Chesapeake Bay regulations, an area that can be selectively thinned to provide a view of an aesthetic feature.

Water Body with Perennial Flow: A body of water that flows in a natural or man-made channel year-round during a year of normal precipitation. This includes, but is not limited to, streams, estuaries, and tidal embayments, and may include drainage ditches or channels constructed in wetlands or from former natural drainage ways which convey perennial flow. Lakes and ponds through which a perennial stream flows are a part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary sources for stream flow.

Watercourse: 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.

Water-dependent facility: Development of land that cannot exist outside of a resource protection area and must be located on the shoreline because of the intrinsic nature of its operation. These facilities include, but are not limited to:

- Ports;
- Intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers;
- Marinas and other boat docking structures;
- Natural beaches and other water-oriented recreation areas; and
- Fisheries or other marine resources facilities.

Waterways, navigable: Creeks, streams or rivers which are subject to tidal influences.

Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions and over which the Commonwealth of Virginia or the U.S. Army Corps of Engineers exercises jurisdiction. Wetlands typically include swamps, marshes, bogs and similar areas.

Wetlands, non-tidal: Wetlands, other than tidal wetlands, that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to section 404 of the federal Clean Water Act in 33 CFR 328.3b.

Weeds, noxious: Weeds which are difficult to control effectively such as Johnson grass, kudzu and multi-flora rose.

Wholesale, wholesaling houses and distributions: Nonretail service establishments that sell goods to others for the purpose of resale, or sell goods to commercial, industrial or institutional establishments for their own use.

Window, drive-in or drive-through: Customer service facility designed for the convenience of the motoring public, accessory to an office or retail establishment and which enables the customer in a vehicle to transact business with a person located within a structure or a machine.

Winery, farm: Farm licensed as a winery in accordance with the Code of Virginia. Greenhouses, hothouses or plant nurseries are permitted for the purpose of starting seedlings to be planted for farm use, but not for direct sale. On premise sale, tasting, or consumption of wine produced or raised on the tract, and sale of wine-related items incidental to the sale of wine is permitted. Construction of a stand or shelter for the sale of such goods is also permitted. Outdoor amplified music is not permitted.

Yard: Open space at grade between a building or structure and the adjoining lot line unoccupied and unobstructed by any portion of a building or structure from the ground upward.

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

Figure: Corner Side Yard

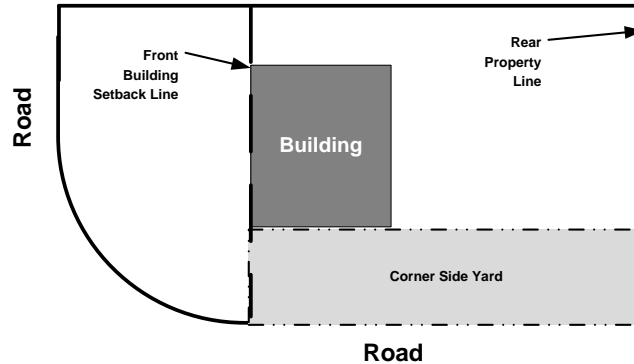
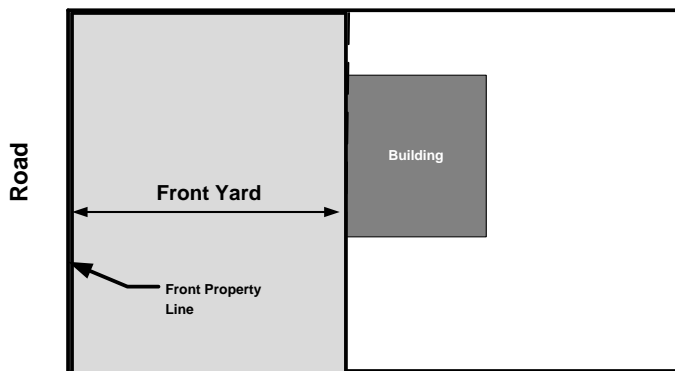


Figure: Front Yard



Yard, front: Yard extending across the front of a lot between the front lot line and the nearest line of the main building.

Yard, interior side: Yard lying between the side lot line of the lot and the nearest line of the side of the main building, and extending from the front property line to the rear property line.

Yard, privacy: Small area contiguous to a building and enclosed on at least 2 sides by a wall or fence at least 6 feet high.

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

Figure: Interior Side Yard

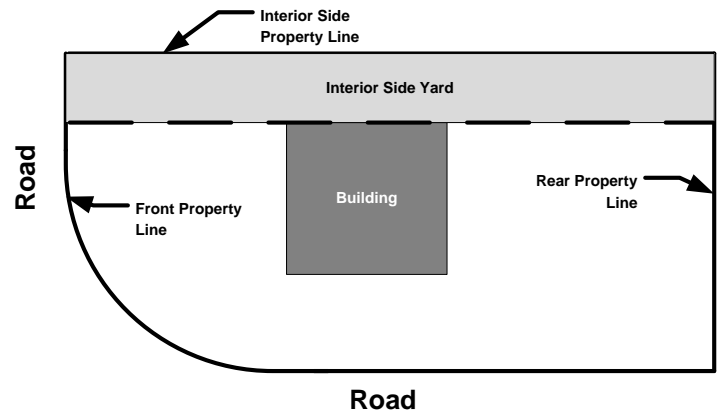


Figure: Rear Yard Corner Lot

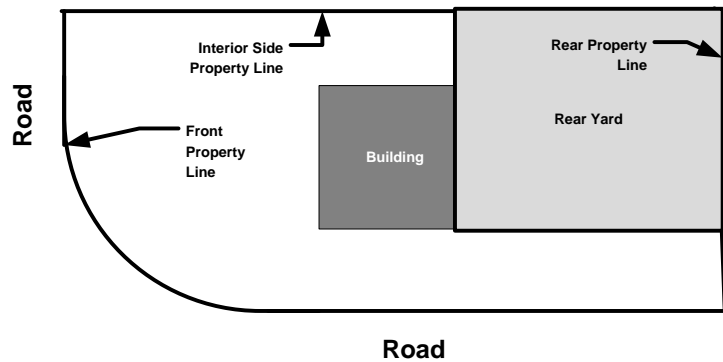
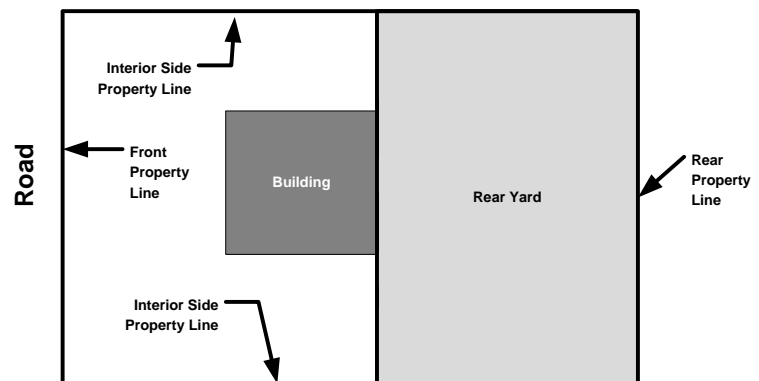


Figure: Rear Yard Interior Lot



Yard sale: A sale of personal property owned by the seller and usual to a household. The term yard sale includes garage sale, lawn sale, attic sale, rummage sale or any similar casual sale of tangible property.

Zoning approval: Includes conditional use, conditional use planned development, conditional zoning, variance, administrative variance, special exception, substantial accord, manufactured home permit and rezoning approvals.

Zoning condition: Condition of a zoning approval.

History of Amendments			
Date	Version	Description	Ordinance Doc. #
6/24/2015	2	Date of Adoption	
8/26/2015	3	Requirements for Communication Small Cells	94487.1
9/16/2015	4	Signs & Associated Fees	94962.1 & 95067.1
10/28/2015	5	Variances & the BZA	94694.2
6/22/2016	6	Bon Air Special Design District	96319.3
9/28/2016	7	Limited Events	96971.2
10/26/2016	8	Bikeways	96806.3
5/24/2017	9	Commercial & Industrial Uses	98093.3
10/25/2017	10	Communication Small Cells	98701.1
	11-12	Versions not used	
5/22/2019	13	Solar Energy	114694.1
7/24/2019	14	Sign Standards	115607.1
	15	Version not used	
6/24/2020	16	EMC Sign Resolution, Changeable Copy and Recreational Facility Signs	116648.1

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History of Amendments to the Zoning Ordinance (Chapter 19.1)

Date of Adoption: 6/24/2015

Amendments Beginning: 8/26/2015

Date	Section(s)	Description	Ordinance Doc. #
8/26/2015	52, 53, 570	Requirements for Communication Small Cells	94487.1
9/16/2015	6, 41, 270 through 278, 570	Signs & Associated Fees	94962.1 95067.1
10/28/2015	12, 14, 15, 570	Variances & the Board of Zoning Appeals	94694.2
12/16/2015	41, 272	Public Hearing/Meeting Deferral Fees & Sign Permit Requirements & Related Fee	95415.1
6/22/2016	52, 53, 251, 263, 341, 346, 350, 351, 352, 570	Bon Air Special Design District	96319.3
9/28/2016	52, 53, 570	Limited Events	96971.2
10/26/16	27, 30, 53, 61, 66, 71, 76, 81, 86, 92, 97, 133, 208, 209, 210, 211, 212, 231, 236, 239, 262, 263, 264, 274, 304, 306, 369, 550, 570	Bikeways	96806.3
12/14/16	52, 53	Tractor Trailer Service Stations	97242.1
12/14/16	236	Required Parking Spaces for Restaurants	97156.1
3/15/17	52	Uses Permitted by Special Exception	97908.1
4/26/17	42	Mailed Written Notice	98260.1
5/24/17	52, 53, 54, 236, 570	Commercial & Industrial Uses	98093.3
10/25/17	5	Written Orders	98700.1
10/25/17	3, 41	Nonconforming Uses & Related Fees	98702.1
10/25/17	52, 53, 570	Communication Small Cells	98701.1
5/23/18	525	General Performance Criteria Fees Within Chesapeake Bay Preservation Areas (Effective 7/1/18)	110854.2
8/22/18	53, 236, 247, 253, 263, 341, 346, 377, 378, 379	Northern Jefferson Davis Highway Design District	112805.1
12/12/18	1, 14, 15	Variance and Zoning for Persons with Disabilities (19PJ0103)	113281.1
4/24/19	6	Zoning Violation Fines	113829.1
5/22/19	52, 53, 570	Solar Energy	114694.1
6/26/19	301	Residential Fences and Walls	114452.1
7/24/19	4, 52, 53, 271, 272, 273, 274, 275, 276, 278, 279, 570	Sign Standards	115607.1
10/23/19	53, 378	Route 1 Residential Overlay	115877.1
1/22/20	61, 66, 71, 76, 81, 92, 97, 246, 247, 249, 250, 252, 306, 545	Upper Swift Creek Tree Preservation	115976.1
2/19/2020	5	Mailing of Written Orders	116016.1
6/24/2020	41	EMC Sign and Communication Tower Fees	116650.1
6/24/2020	53, 277, 570	EMC Sign Resolution, Changeable Copy and Recreational Facility Signs	116648.1