
Sec. 16-39. Bicycle Helmets.

Every person fourteen years of age or younger shall wear a protective helmet that meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation whenever riding or being carried on a bicycle on any highway as defined in section 46.2-100, Code of Virginia, sidewalk or public bicycle path.

Violation of this ordinance shall be punishable by a fine of twenty-five dollars (\$25.00). However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this section.

Sec. 17-2. Definitions.

For the purpose of this chapter, certain words and terms are defined as follows: words used in the present tense include the future; words in the singular number include the plural and the plural the singular, unless the context indicates to the contrary.

Appropriate governing authority. In the case of rules and regulations governing school grounds, the county school board and in the case of rules and regulations governing other public areas of the county, as hereinafter defined, shall mean the county board of supervisors.

Appropriate governing official. In the case of rules and regulations governing school grounds, the county superintendent of schools or his designee(s), and in the case of rules and regulations governing other public areas of the county, as hereinafter defined, shall mean the county administrator, or his designee(s).

Electric personal assistive mobility device. A self-balancing two-wheeled (non-tandem) device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less.

Motor vehicle. Any motorized conveyance with one or more wheels used as a means to carry or transport someone or something. This term shall include, without limitation, automobiles, trucks, motorcycles, go-carts, mopeds, mini-bikes and motorized trail bikes, but not an electric personal assistive mobility device as defined herein.

Person. Any person, partnership, association, corporation, company or organization of any kind.

Public area. The grounds of any county-owned property, including, without limitation, any park, beach, public boat landing, vacant open land, public parking areas, the grounds of county-owned buildings, the county library, and the courthouse, or any other area designed or used, whether solely or partially, for activities under the authority of the county, and also any of the public school grounds of the county and the area commonly known as the Yorktown Waterfront.

Recreational shelter. Any tent, canopy, screen room, tarpaulin, sleeping bag or any other nonvehicular device designated to be portable and designed or used for the temporary protection of human beings or tangible personal property from the weather, or the temporary preservation of the privacy of persons or property.

Recreational vehicle. Every device equipped with one or more wheels, whether or not self-propelled, designed or used for transporting persons or property upon the public highways for or in connection with recreation or pleasure, as distinguished from mere transportation, except that it shall not include bicycles or other vehicles designed to be moved solely by human power. The term shall include, without limitation, motor homes, travel trailers, pickup campers, tent trailers, boats, boat trailers, and any device designed or used primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place or eating place, temporarily or permanently.

Sewage. All human body waste, treated or untreated.

Sound level meter. An instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks for the measurement of sound levels, which meets or exceeds the pertinent requirements in American National Standards Institute specifications for Type II sound level meters.

Watercraft. Any contrivance used or capable of being used for navigation upon water, whether or not capable of self-propulsion.

(Ord. No. 12-7, 5-15-12)

Sec. 17-24. Operation of personal assistive mobility devices.

- (a) *In general.* Personal Assistive Mobility Devices may be operated on sidewalks, walkways, multi-use trails, driveways, and parking lots within public areas subject to this chapter unless such operations are specifically limited or prohibited as provided in subsection (c) below, Such devices shall not be operated on athletic fields or courts, docks and piers, or in marked, signed or otherwise identified environmentally sensitive areas.
- (b) *Operations.* Persons operating a personal assistive mobility device shall observe the following safety procedures and precautions:
 - 1. Operators must yield the right-of-way to any pedestrian on a sidewalk, walkway, multi-use path or other pedestrian circulation area and must give an audible signal when overtaking or passing pedestrians;
 - 2. When using a multi-use pedestrian/bicycle trail, operators shall not ride more than two abreast and shall move into single file when approaching or being overtaken by cyclists.
 - 3. Operators shall be prohibited from wearing earphones on or in both ears.
 - 4. When operated on driveways, within parking lots, or on any other surfaces where motor vehicles are permitted to operate, the operator of the personal assistive mobility device shall observe all regulations and signage applicable to the operation of motor vehicles as set forth in Section 17-88 of this Chapter.
- (c) *Restrictions or prohibitions.* The appropriate governing official may establish limitations as to the days of the week or hours of the day that such devices may be operated on specific walkways or paths, or may establish complete prohibitions of operations on certain specific walkways or paths when such restrictions are deemed necessary due to safety concerns or property maintenance issues. Such restrictions shall be evidenced by the posting of appropriate signs.

(Ord. No. 12-7, 5-15-12)

Sec. 17-90. Bicycles.

- (a) *Restricted from pedestrian walks and athletic fields.* No person shall ride a bicycle on a sidewalk, trail or path solely for pedestrian use, or on any area designed to accommodate specific types of recreational activities other than bicycling.
- (b) *Proper operation.* Bicyclists shall at all times operate their vehicles with reasonable regard for the safety of others.
- (c) *Parking bicycles.* No person shall leave a bicycle in a place other than a bicycle rack when such is provided and there is space available. When space is not available, a bicycle shall not be left in any place or position where other persons may trip over or be injured by it.

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- (d) *Lamp and reflectors.* Every bicycle when in use between sunset and sunrise shall be equipped with a lamp on the front which shall emit a white light visible in clear weather from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of the bicycle which shall be visible from all distances in clear weather from fifty feet (50') to three hundred feet (300') to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible in clear weather from a distance of five hundred feet (500') to the rear may be used in lieu of or in addition to the red reflector.

Cross reference(s)—Bicycle helmets, § 16-39.

Sec. 20.5-76. Pedestrian and bicycle facilities.

Standards for pedestrian and bicycle facilities in subdivisions are as follows:

- (a) Pedestrian, bicycle, and shared use path facilities shall be provided as required by the Virginia Secondary Street Acceptance Requirements (24VAC30-92).
- (b) Where sidewalks have been installed or guaranteed for installation by some form of performance guarantee along an existing street, any extension of said existing street into a proposed subdivision shall also extend the sidewalks.
- (c) Unless otherwise excepted by the agent, sidewalks shall be separated from the rear of the curb in accordance with the following standards based on the street classifications in section 20.5-91:

Street Classification	Minimum Separation (feet)
Access	6
Subcollector	6
Minor Collector	6
Major Collector	6
Minor Arterial	8
Major Arterial	10

The area of separation between the curb and sidewalk shall be planted with appropriate street trees at a minimum ratio of one (1) tree per each forty (40) linear feet of sidewalk.

- (d) Where the proposed subdivision is adjacent to public use property including parks, schools, libraries, public recreation facilities and similar areas, the subdivision shall be connected to said public use property by means of a dual-purpose pedestrian and bicycle trail which shall be designed and constructed in accordance with the applicable provisions of the standards for recreational facilities adopted by the county or other acceptable standard or facility design approved by the agent.
- (e) Sidewalks shall be designed and located, with the intent of providing security, tranquility and privacy for occupants of adjoining property and safety for users of the walkways.

(Ord. No. 05-33, 12-20-05; Ord. No. 09-17, 8-18-09)

Sec. 20.5-92. Alignment and layout.

- (a) In accordance with section 15.2-2241-2, Code of Virginia, all proposed streets shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the subdivision or within existing or future adjacent subdivisions as to location, width, grades, and drainage. Connections with existing or platted streets shall be continuous without offset.

(b) The agent shall require that adequate rights-of-way are platted and dedicated for public use to the boundary line(s) of the subdivision which will afford desirable and safe street access to adjoining properties when such properties are of a compatible land use designation. In such cases, the following requirements shall apply:

- (1) These rights-of-way shall be clearly marked on the plats and labeled "Future Public Street" or "Future Public Street Extension" as appropriate. In addition, a sign shall be posted on the stub street right-of-way indicating that it is intended for a future roadway connection. Such sign shall be fabricated and installed by the County, with the costs of fabrication/installation to be paid by the subdivider.
- (2) The following notation in, at a minimum, twelve (12) point lettering shall be incorporated into any plat showing a stub or future street:

THIS RIGHT-OF-WAY IS PLATTED WITH THE INTENT OF BEING EXTENDED AND CONTINUED IN ORDER TO PROVIDE INGRESS AND EGRESS TO AND FROM ADJOINING PROPERTIES.

- (3) The following statement shall be included on the conveyance documents for any lot on a stub or future street:

THE RIGHT-OF-WAY UPON WHICH THIS LOT FRONTS HAS BEEN PLATTED WITH THE INTENT OF IT BEING EXTENDED AND CONTINUED IN ORDER TO PROVIDE INGRESS AND EGRESS TO AND FROM ADJOINING PROPERTIES, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK _____, PAGE _____/INSTRUMENT NO. _____, CIRCUIT COURT FOR YORK COUNTY.

- (c) Where a street right-of-way in an existing subdivision or development has been platted to the boundary line of a proposed subdivision, it shall be extended and continued into such proposed subdivision unless a waiver is granted by the department of transportation. In situations where the department of transportation grants a waiver to the street interconnection requirement, an alternative means for bicycle and pedestrian access may be required to be provided in close proximity to the otherwise required street based on local site conditions. Such bicycle and pedestrian facilities shall be either within an existing right-of-way or in a separate right-of-way and shall be designed and constructed in accordance with Figure VI-B in appendix A or with the standards used by the Virginia Department of Transportation for such facilities.
- (d) Street intersections shall be spaced and designed in accordance with the standards set forth in the Virginia Department of Transportation Subdivision Street Design Guide, dated July 1, 2009, and as may be amended from time to time.
- (e) All subdivisions shall have two (2) means of ingress and egress.

(Ord. No. 098-20, 11-4-98; Ord. No. 099-6, 4-7-99; Ord. No. 05-33, 12-20-05; Ord. No. 08-12, 8-19-08; Ord. No. 09-17, 8-18-09)

Sec. 20.5-109. Surety in lieu of completion.

- (a) Where the subdivider wishes to record the record plat, but physical improvements and installations, including public and private streets, shown on the approved development plan and/or final plat have not been made, in whole or in part, the subdivider may, in accordance with section 15.2-2241(A)(5), Code of Virginia, enter into a subdivision agreement (as described above) with the county and submit performance surety in an amount sufficient for and conditioned upon the satisfactory construction or completion of said improvements or installations. Such physical improvements and installations shall include, but not be limited to, any street; curb; gutter; sidewalk; bicycle trail; drainage or sewerage system; waterline as part of a public system; other improvement intended for dedication to public use to be maintained by the county, the Commonwealth, some other public agency or a property owners' association; site-related improvements required by this or other chapters of this Code for vehicular ingress or egress; public access streets; structures necessary to ensure the stability of slopes; and stormwater management facilities. The amount of

surety shall be acceptable to the agent and shall cover the full estimated cost of said improvements plus a reasonable allowance for administration, overhead, inflation and potential damage to existing improvements.

- (b) Performance surety shall be submitted in such form as shall be acceptable to the agent and county attorney as to format, sufficiency and manner of execution and shall have been posted to the satisfaction of the agent and county attorney prior to recordation of the record plat by the agent.
- (c) In those cases where performance surety has been posted and the required improvements or installations have not been completed within the terms of the subdivision agreement, the agent shall declare the subdivider to be in default and shall draw on the posted surety. After the funds or proceeds from the property have been received, the agent shall cause such improvements to be completed. The subdivider shall be fully and completely responsible and liable for the entire cost of completing the improvements, even when such cost exceeds the amount of surety.
 - (1) If the funds or proceeds from the surety are insufficient to complete the improvements, the agent and county attorney shall proceed to obtain such funds from the subdivider, its successors or assigns including such reasonable costs as may be expended in the process.
 - (2) If any funds remain after all improvements or installations are completed and accepted with all necessary fees paid and no defects are found therein which must be repaired, such remaining funds, less any such reasonable administrative or overhead costs which may have accrued, shall be returned to the subdivider within one hundred eighty (180) days of final acceptance of the final improvement or installation.
- (d) Performance surety shall be released in accordance with the provisions of section 15.2-2245 of the Code of Virginia, provided, however, that "written notice of completion" shall consist of a set of "as-built" plans, a certificate of completion by a duly licensed engineer or surveyor, and a completed application form or letter to the agent requesting reduction or release of surety.

(Ord. No. 05-33, 12-20-05)

Sec. 21-1. Exemption of household goods and personal effects.

- (a) The following household goods and personal effects shall be exempt from taxation:
 - (1) Bicycles.
 - (2) Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.
 - (3) Pianos, organs, phonographs and record players, and records to be used therewith, and all other musical instruments of whatever kind, radio and television instruments and equipment.
 - (4) Oil paintings, pictures, statuary, curios, articles of virtu and works of art.
 - (5) Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.
 - (6) Sporting and photographic equipment.
 - (7) Clothing and objects of apparel.
 - (8) Antique motor vehicles as defined in Code of Virginia section 46.2-100 which may not be used for general transportation purposes.
 - (9) All-terrain vehicles, mopeds, and off-road motorcycles as defined in Code of Virginia section 46.2-100.

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- (10) All other tangible personal property used by an individual or a family or household incident to maintaining an abode.
- (b) The classifications above set forth shall apply only to such property owned and used by an individual or by a family or household incident to maintaining an abode.
- (c) Notwithstanding any provision set forth above, household appliances in residential rental property used by an individual or by a family or household incident to maintaining an abode shall be deemed to be fixtures and shall be assessed as part of the real property in which they are located. For purposes of this subsection, "household appliances" shall mean all major appliances customarily used in a residential home and which are the property of the owner of the real estate, including, without limitation, refrigerators, stoves, ranges, microwave ovens, dishwashers, trash compactors, clothes dryers, garbage disposals and air conditioning units.

(Ord. No. 15-10, 9-15-15)

Sec. 24.1-104. Definitions.

Abandoned inactive borrow pit. An area of land which has been disturbed by surface mining or excavation and which has not been reclaimed or restored and in which mining activity is not currently underway and is not authorized to be reestablished by the terms of a valid use permit.

Accessory apartment. See Dwelling, Accessory unit.

Accessory structure. A subordinate structure detached from a principal structure, but located on the same lot, the use of which is incidental and subordinate to that of the principal structure or use.

Accessory use. A use of land or of a building, or portion thereof, incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Administrative permit. A permit which may be issued by the zoning administrator for certain types of uses identified in this chapter upon demonstration of compliance with all applicable standards, criteria and procedures for issuance as established herein.

Agriculture. The use of land for a bona fide agricultural operation involving the production for sale (but not the processing) of plants, animals, and agricultural products useful to man and including tilling of the soil, the raising of crops, horticulture, the keeping of agricultural animals and fowl, dairy and poultry operations, or any other similar and customary agricultural activity, but, for the purposes of this chapter not aquaculture, and including the customary accessory uses, among which may be a single-family detached residence, and accessory equipment normally associated with agricultural activities. Fruit, vegetables, eggs and honey are deemed agricultural products only prior to processing of any kind other than washing.

Aisle, traffic. The traveled way by which cars enter and depart spaces in parking lots.

All-weather surface. A surface which is passable in all weather conditions and is designed to support all reasonably anticipated loads in all weather conditions. An all-weather surface may be either pervious or impervious, however, it must not produce dust.

Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress, or an enlargement, whether by extending on a side or increasing in height, or moving of a building or structure from one location or position to another.

Amusement arcade. A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

Animal, agricultural. All livestock and poultry.

Animal, boarding establishment. A place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

Animal, companion. Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, Vietnamese potbellied pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals.

Animal dealer. Any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barbers companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.

Animal pound. A facility operated by the Commonwealth, or any political subdivision, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

Animal shelter. A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Aquaculture. The propagation, rearing, enhancement, and harvest of aquatic organisms (including but not limited to shellfish) in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water. Aquaculture also includes the land-based and pier-based aspects of aquaculture, including but not limited to shellfish aquaculture, conducted off-shore in marine waters, including but not limited to the docking of workboats, the off-loading of seafood, the on-land storage and maintenance of associated cages, floats, equipment, supplies and other materials, and their transfer from land to boat or boat to land.

Aquaculture facility. Any land, structure, or other appurtenance that is used for aquaculture, including any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture.

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

Architect. An individual licensed by the Commonwealth of Virginia to practice architecture.

Architect, landscape. An individual certified by the Commonwealth of Virginia to practice landscape architecture.

Area of influence. (also referred to as service or trade area) The area from which a land use draws its customers or users or from which it can be reasonably expected to draw.

Automobile graveyard. An operation involving the dismantling or wrecking of used motor vehicles or trailers, or the storage, sales, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute prima-facie evidence of an automobile graveyard.

Automobile storage lot. An operation involving the temporary storage (typically ninety (90) days or less) of operable motor vehicles. This shall specifically include vehicle impound areas.

Average daily traffic (ADT). The average number of vehicles per day which pass over a given point on a roadway.

Bed and breakfast inn. A dwelling in which, for compensation, breakfast and overnight accommodations are provided for transient guests.

Berm. A mound of earth used to shield, screen, or buffer views, separate land uses, provide visual interest, decrease noise, or control the direction of water or traffic flow.

Best management practice (BMP). A practice, or combination of practices, that is determined by a state or the Hampton Roads Planning District Commission to be the most effective, and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Bikeway. A transportation facility designed to safely accommodate bicycle traffic. As defined in the comprehensive plan, bikeways are subdivided into three (3) general classes:

- *Class I*—bikeway is physically separated from the roadway by open space, a physical barrier, or both.
- *Class II*—bikeway is a designated and marked lane immediately adjacent to the travel lanes of a roadway.
- *Class III*—bikeway shares travel lanes of a roadway with other vehicles. Lanes may be wider to accommodate cyclists, but no specific lane designations are made.

Billboard. A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Board. The Board of Supervisors of York County, Virginia.

Boarding or lodging house. A dwelling other than a hotel, motel, bed and breakfast inn, or tourist home where, for compensation, meals or lodging are provided for three (3) or more nontransient guests.

Boathouse. An accessory structure which is constructed either wholly or partially over a body of water and which is designed primarily to provide shelter for water craft or for marine related equipment.

Borrow Pit. See Surface mine.

Bottom ash. Particulate matter, resulting from the burning of pulverized coal or other fossil fuel, which is collected from the floor of a boiler, furnace or combustion chamber.

Buffer. An area, fencing, landscaping, or a combination thereof which is used to separate one use from another or to shield or block noise, lights, glare, pollutants or other potential or actual nuisances.

Building. Any structure having a roof supported by columns or walls, including modular and prefabricated buildings, which is used for the shelter, housing, or enclosure of persons, animals, or chattels. Unless specifically exempted, all buildings must be constructed in accordance with all applicable provisions of the Virginia Uniform Statewide Building Code.

Building height. For the purposes of determining compliance with the maximum building height limits set forth in the various zoning districts established by this chapter, building height shall be measured, unless otherwise noted, as the vertical distance to: the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mid-point between the eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than ten feet (10') from the front lot line or from the average grade surrounding the structure in all other cases. In other instances where building or structural height is stipulated or addressed, "height" shall be measured to the roof ridgeline for gable, hip and gambrel roofs, to the highest part of the roof for other roof systems, and to the highest part of other structures, with all such measurements to be taken from the curb or from average grade, as provided in the preceding sentence.

Caliper. The diameter of a tree trunk measured six inches (6") above ground level for nursery stock and four and one-half feet (4½') above ground level for all other trees.

Campground. An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for

recreational purposes and is operated in accordance with all applicable health department regulations for campgrounds.

Catering kitchen. A facility in which food is prepared and cooked in quantity and then transported from the premises by the caterer for off-premises serving and consumption at special events, receptions, parties, or similar activities.

Cemetery. Means any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. For the purposes of this chapter, all uses necessarily or customarily associated with internment of human remains, benches, ledges, walls, graves, roads, paths, landscaping and soil storage shall be considered part of the allowable "cemetery" use.

Certificate of occupancy. A document issued by the county pursuant to the Virginia Uniform Statewide Building Code permitting the occupancy or use of a building.

Child care center. A facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during a part of the day only, and operated in accordance with the provisions of section 63.2-1700, et seq., Code of Virginia.

Clear-cutting. The removal of more than twenty-five percent (25%) of the trees, shrubs, or undergrowth from a site with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, removal of dead trees, or normal mowing operations.

Clinic or emergency care center. An establishment where persons who are not lodged overnight are admitted for examination and treatment by a group of physicians or similar professionals practicing together.

Cluster subdivision. A form of residential development that concentrates dwellings in a specified area with a corresponding reduction in lot area and dimension requirements in order to allow the remaining land area to be devoted to perpetual common open space which may be used for recreation, both active and passive, and the preservation of environmentally sensitive areas. (See Figure I-1 in Appendix A.)

Code. Wherever the term "Code" is used, without further qualification, it shall mean the Code of the County of York, Virginia, as designated in section 1-1.

Commission. The York County Planning Commission.

Community center. A meeting place, either a building or a complex of buildings, used for recreational, social, educational and cultural activities.

Comprehensive plan. The York County Comprehensive Plan including all elements thereof and such elements as may hereafter be adopted in accordance with the provisions of section 15.2-2223, et seq., Code of Virginia.

Concession stand, information booth, display booth. A temporary structure established as an accessory use to a special event or celebration and from which items are sold or displayed.

Condominium. A building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis and which has been created by the recordation of condominium instruments pursuant to the provisions of chapter 4.2 of title 55, Code of Virginia.

Condominium association. The community association which administers and maintains the common property and common elements of a condominium.

Conservation easement. An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded conditions; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

Contractor. Any person, firm, association, or corporation that for a fixed price, commission, fee or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing or superintending in whole or in part, the construction, removal, repair or improvement of any building or structure permanently annexed to real property owned, controlled or leased by another person, or any other improvements to such real property including but not limited to clearing, grading or excavation.

Contractor's shops and storage yards. Facilities and areas which are customarily used by contractors for storage of supplies, materials or equipment, fabrication, assembly or repair of materials or equipment, or places for vehicular and equipment storage.

Convenience store. A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast-food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales when in accordance with all applicable requirements of this chapter.

Convent/Monastery. A facility housing a group of individuals devoted to a religious life and existence, such as a group of monks, friars, or nuns, and in which the inhabitants live in a communal manner as a single residential unit with various shared facilities such as, but not necessarily limited to, cooking and meal preparation.

Conventional subdivision. The subdivision of a lot in accordance with both the lot size and dimension standards specified for the district in which located and the subdivision ordinance.

County. The word "county" shall mean the County of York in the State of Virginia unless otherwise designated.

County administrator. The county administrator of York County, Virginia, as appointed by the board, or his or her designee.

County attorney. The county attorney of York County, Virginia, as appointed by the board.

Court or plaza. An open, uncovered space, other than a yard, which may or may not have direct street access, and around which is arranged a single building or a group of related buildings.

Cul-de-sac. A minor street with only one (1) outlet and having an adequate turn-around at its terminus for the safe and convenient reversal of traffic movement.

Cut. A portion of the land surface or area from which earth has been or will be removed by excavation.

Density. The number of dwellings per unit of land.

- *Gross density.* Gross density is calculated by including all the land within the boundaries of a particular tract, parcel or area.
- *Net density.* Net density is calculated by excluding certain areas such as streets, easements, water areas, lands with environmental constraints, and such other areas as are specifically described in section 24.1-203.

Design hour. The peak traffic situation on a given street or at a given intersection expected to occur within a one-hour period during a typical day in the year a development is scheduled to be completely developed.

Design year. The year in which a development project is anticipated to be completely constructed and occupied, or twenty (20) years from initial development, whichever shall be later.

Detention basin. A manmade or natural water impoundment designed to collect surface and subsurface water in order to impede its flow and to release it gradually, at a rate not greater than that existing prior to the development of the property, into natural or manmade outlets or channels. Also referred to as a "dry pond."

Developer. The legal or beneficial owner or owners of a lot or of any land included in a given development including the holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in such land.

Development. The division of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, paving, grading, filling or land disturbance, or any use or extension of the use of land; provided however, as stipulated by Section 15.2-2201 of the Code of Virginia, the term shall not be construed to include any tract of land which will be principally devoted to agricultural production.

District or zoning district. A classification set out in this chapter and defined by a prescribed set of requirements and regulations which, when applied to a portion or portions of the county, uniformly governs the use of land and buildings within such areas.

Drainage. The removal of surface water or groundwater from land by drains, ditches, piping, grading, or other means.

Drainage facility. Any component of a drainage system.

Drainage structure. Any manmade component of a drainage system.

Drainage system. A system through which water flows from land, including all drainage structures, drainage facilities, watercourses, waterbodies and wetlands.

Drive-in establishment. An establishment which by design, physical facilities, service, or by method of sale encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Dry-Cleaning/Laundry (retail): An apparel service establishment of less than 7,500 square feet in floor area that offers laundry and dry-cleaning service primarily to retail customers who bring their clothing and other articles to the premises. The establishment may include on-premises laundering and dry-cleaning equipment. In addition to servicing walk-in retail customers, the establishment may also include laundering/dry-cleaning of articles delivered from other drop-off locations.

Dry-Cleaning/Laundry Plant (institutional): Any establishment that:

- (i) has in excess of 7,500 square feet in floor area engaged in laundering and dry-cleaning services; or
- (ii) is engaged primarily in providing on-premises laundering and dry-cleaning services for large commercial or institutional accounts. This type of operation is also characterized by extensive truck traffic.

Drugstore. A pharmacy where the sale of non-drug, non-proprietary medications and other nonpharmaceutical items constitutes a portion of the retail business.

Dwelling. A building or portion thereof designed or used for residential purposes, but not including hotels, motels, motor lodges, tents, travel trailers, recreational vehicles, or similar accommodations.

Dwelling, modular. A type of single-family detached dwelling unit which is constructed in units which are movable, but not designed for regular transportation on highways, and which are designed to be constructed on and supported by a permanent foundation and not by a chassis (i.e., supporting rails) permanently attached to the structure and which meet the requirements of the Virginia Uniform Statewide Building Code. Structures constructed in accordance with the terms of the Virginia Industrialized Building Safety Regulations shall not be deemed "modular units" if they include a permanently attached chassis (i.e., supporting rails). If such chassis system can be removed and the unit can be supported by a permanent foundation meeting the requirements of the Virginia Uniform Statewide Building Code, then it shall be deemed a "modular unit."

Dwelling, multi-family. A building or building arrangement consisting of two (2) or more dwelling units on a single lot.

Dwelling unit. A single unit of one or more rooms providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking, and sanitation.

- *Dwelling, accessory unit/apartment.* A separate and complete housekeeping unit which provides complete and independent living, sleeping, and sanitation facilities, and which may or may not include permanent cooking facilities. Such unit may be contained within or outside of a primary residence but is clearly secondary to a primary single-family dwelling located on the same lot. When in a detached structure, the presence of a habitable room or rooms, as defined by the Virginia Uniform Statewide Building Code, including a living area and a bathroom with sink, toilet and tub or shower shall be considered to constitute an accessory apartment. When such habitable space is a part of the principal structure on the property, the presence of an independent entrance, a bathroom with sink, toilet, and tub/shower, and physical separation (by walls or floors) from the principal residence shall be deemed to constitute an accessory apartment.
- *Dwelling, single-family attached.* A row or combination of at least two one-family dwelling units constructed in accordance with the terms of the Virginia Uniform Statewide Building Code, with each unit having separate outside access, each unit separated from any other unit by one or more common fire-resistant walls, and each unit located on a separate lot. The term "single-family attached" includes the following types of dwellings:
 - *Duplex.* A one-family dwelling unit attached to one other one-family dwelling unit by a common vertical fire-resistant wall with each dwelling unit located on a separate lot.
 - *Multiplex.* A one-family dwelling unit in a combination (back-to-back, side-to-side, or back-to-side) of at least three such units with each unit having at least two exterior walls, each unit separated from any other by common fire-resistant walls, and each unit located on a separate lot.
 - *Townhouse.* A type of multiplex unit, in a row of at least three such units, with each having its own front and rear or side access to the outside, each unit separated from any other by common fire-resistant walls, and each unit located on a separate lot.
- *Dwelling, single-family detached.* A one-family dwelling unit which is surrounded on all sides by yards or other open space located on the same lot and which is not attached to any other dwelling by any means. Such units shall be constructed in accordance with the terms of the Virginia Uniform Statewide Building Code and may include "modular units" if consistent with the definition and standards contained in this chapter.

Easement. A grant by one property owner to another, evidenced by a deed recorded with the clerk of the circuit court, of the right to use the described land for a specific purpose.

Engineer. An individual licensed by the Commonwealth of Virginia to engage in the practice of engineering.

Environmental constraints. Features, natural resources, or land characteristics that are sensitive to development activities or installation of improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment when developed.

Environmentally sensitive areas. Areas with one (1) or more of the following characteristics:

- slopes in excess of twenty percent (20%);
- 100-year floodplains;
- tidal or nontidal wetlands;
- land formerly used for landfill operations or hazardous industrial or commercial use; or

- Chesapeake Bay Preservation Areas

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

Family. An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit. For purposes of single-family residential occupancy, and in accordance with Section 15.2-2291.A. of the Code of Virginia, the term also shall be deemed to include no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities, together with one (1) or more resident or nonresident staff persons, living in a residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Code of Virginia. Mental illness and developmental disability does not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401, Code of Virginia.

In addition, in accordance with Section 15.2-2291.B. of the Code of Virginia, the term family shall be deemed to include no more than eight (8) individuals who are aged, infirm or disabled, together with one or more resident counselors or other staff persons, living in a residential facility for which the Department of Social Services is the licensing authority pursuant to the Code of Virginia.

Farmer's market. A place where farmers or other people who are engaged in truck farming gather regularly for the purpose of selling produce, goods and crafts produced at their farms. The sale of seafood is included in this definition.

Fill. The portion of land surface or area into which sand, gravel, earth, or other material is deposited to raise the elevation above the natural grade.

Fire department. The York County Fire and Rescue Service.

Fire flow. The flow of water in pipes at a rate and time duration necessary for fire suppression purposes.

Flag lot. (See Lot types.)

Flea market. An open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition shall not be construed to include sidewalk sales by retail merchants, fruit or produce stands, bake sales, or garage, yard or rummage sales held in conjunction with and incidental to residential uses or sponsored and conducted by religious, civic or charitable organizations on their own property.

Floodplain. (See section 24.1-373).

Fly ash. Fine particulate matter resulting from the burning of pulverized coal or other fossil fuel which is collected from flue gases.

Forest management plan. A written plan for the operation of a forest or woodland property utilizing accepted professional forestry principles which records data and prescribes measures designed to provide for the optimum use of all forest resources.

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

Fowl. Any domesticated or wild gallinaceous birds such as chickens, turkeys, grouse, pheasants and partridges.

Frontage. The distance along which a lot abuts a legally accessible street right-of-way.

Full cut-off luminaire. An outdoor lighting fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane defined by the fixture.

Geodetic control network. A system of survey monuments whose precise positions have been established and from which additional surveys can be derived. The geodetic control network in York County has two components:

- *Primary network.* A system of one hundred thirty (130) survey monuments located throughout the county, the precise positions and elevations of which have been established by rigorous ground and global positioning surveys, and which are fully referenced to the Virginia Coordinate System of 1983 (South Zone) and the 1983 North American Datum.
- *Secondary network.* A system of survey monuments located in and on subdivision boundaries and rights-of-way, the positions of which have been established by ground surveys.

Glare. A sensation of brightness within a person's visual field sufficient to cause annoyance, discomfort, distraction or loss of visual performance and visibility.

Government office. Any room, clinic, suite or building wherein the primary use is to conduct York County business such as accounting, correspondence, editing, enforcement, research, administration, analysis or maintenance operations. Included within this definition shall be the health department, social services department, school board administration and other similar functions and agencies.

Grade. The average of the finished ground level measured along a line ten feet (10') [3m] from all sides of the building.

Group home. A dwelling unit shared by more than four (4) unrelated disabled persons who live together as a single housekeeping unit which does not qualify as a "family" as defined in this chapter, and in which resident or non-resident staff persons provide or facilitate care, education, and participation in community activities for the residents with the primary goal of enabling persons who are intellectually, developmentally or physically disabled, or who because of age or physical infirmity, require the protection or assistance of a group setting, to live as independently as possible in order to reach their maximum potential, and for which the Virginia Department of Behavioral Health and Development Services or the Virginia Department of Social Services is the licensing authority. As used herein, the term "disabled" shall mean having:

- A physical or mental impairment that substantially limits one or more of a person's major life activities so that such person is incapable of living independently; or
- A record of having such an impairment; or
- Being regarded as having such an impairment.

"Disabled" shall not, however, include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

Hardware Store. A facility of 30,000 or fewer square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery; if greater than 30,000 square feet, such a facility is a "Home Improvement Center."

Health department. The Commonwealth of Virginia Department of Health or an authorized official thereof.

Helipad. An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and any vertical takeoff and landing craft.

Heliport. A helipad including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Highway or roadway capacity. The maximum number of vehicles that can be expected to travel over a given section of roadway or a specific lane during a given time period under prevailing roadway conditions and prevailing traffic patterns and conditions.

Home Improvement Center. A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.

Home occupation. An accessory use of a dwelling unit or the property upon which it is located by the occupant of the dwelling for or with the intent of gainful employment involving the provision of goods or services.

Hospital, general care facility. An institution rendering medical, surgical or obstetrical care on an inpatient or outpatient basis.

Hotel. A facility offering transient lodging accommodations to the general public and frequently providing additional services such as meeting rooms, restaurants, entertainment, and recreational facilities.

Household pet. Animals that are typically and customarily kept for company or pleasure in the house or yard including: domesticated rabbits; hamsters; ferrets; gerbils; guinea pigs; Vietnamese potbellied pigs; pet mice and pet rats; turtles; fish; dogs; cats; birds such as canaries, parakeets, doves and parrots; non-poisonous spiders; chameleons and similar lizards; and non-poisonous snakes. Agricultural animals, game and wild species or hybrids thereof, poisonous snakes, or animals regulated under federal law as research animals shall not be considered as household pets.

Impervious surface. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to: roofs, buildings, decks, streets, parking areas, and any concrete, asphalt or compacted aggregate surface.

Improvements. All public and quasi-public utilities and facilities including streets, sanitary sewers, waterlines, stormwater management and erosion control facilities, monuments, signs, sidewalks, streetlights, and all other similar features required by this chapter.

Industrial park. A comprehensively planned and unified, industrially oriented development containing at least two (2) separate buildings on at least five (5) acres and protected by covenants and restrictions designed to control such things as architectural design or building façades, landscaping, screening, buffering, and environmental protection. Industrial parks typically have a mixture of industrial, service, office, and commercial activities and are designed to incorporate aesthetic and service amenities for the employees and patrons of the uses located within the park.

Infiltration yard. An area which is designed and located to allow stormwater runoff to filter through it and to take advantage of the natural absorption and filtering qualities of the soil and vegetation, thereby reducing the volume and rate of total stormwater runoff and impacts on water quality.

In-fill development. The development of small, scattered vacant sites which are surrounded or essentially surrounded by existing development and which because of location, configuration, access requirements, adjacent development patterns, or similar characteristics, may necessitate special consideration during the development process.

Junk. Old, dilapidated, discarded or scrap copper, brass, plastic, rope, rags, furniture, beds and bedding, batteries, bottles, glass, appliances, paper, trash, rubber, debris, building material waste, tools, implements, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

Junkyard. An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard.

Kennel, commercial. Any land or structure in which canines, felines, or hybrids of either, are kept for the purpose of breeding, hunting, or training, renting, buying, boarding, selling or showing.

Kennel, private. Any land or structure used for the keeping, breeding, or care of five (5) or more canines, felines, or hybrids of either, which are over six months of age and which belong to the owner of the premises and which are kept for the purpose of showing, hunting, or as household pets.

Landscape yard. A designated area within which trees, plants and lawns are cultivated and also including other natural materials such as rock, wood chips, mulch, and decorative features, including sculpture, trellises, fountains and pools, and walkways.

Landscaping. The improvement of a lot or parcel with grass, groundcovers, shrubs, trees, other vegetation or ornamental objects. Landscaping may include earthforms, flower beds, ornamental objects such as trellises or fountains and other natural features.

Land surveyor or surveyor. An individual certified and licensed by the Commonwealth of Virginia to engage in the practice of land surveying.

Level of service (LOS). A set of criteria which describes the degree to which an intersection, roadway, lane configuration, weaving section or ramp serves peak period or daily traffic.

Livestock. Includes all domestic or domesticated animals that are typically characterized as farm animals including without limitation horses, ponies, bison (American buffalo), cattle, sheep, goats, alpacas, llamas, poultry, or other similar animals specifically raised for food or fiber, except household pets. Vietnamese potbellied pigs (*sus scrofa vittatus*) which are kept as household pets are excluded from this definition.

Loading space, off-street. A space within a main building or on the premises which provides for the standing, loading, or unloading of trucks or other delivery vehicles, and including any area necessary for ingress and egress.

Lot. A unit, division, or piece of land, generally created as a result of the subdivision of property. The term is synonymous with plot, parcel, premises, and site.

Lot area. The total computed area of a lot as defined by the closure of the rear, side and front lot lines.

Lot depth. The depth of a lot shall be the average distance between the front and rear lot lines.

Lot line. A line dividing one lot from another lot or from a street or alley. (See Figure I-2 in Appendix A)

Lot line, front. Any street or right-of-way line, whether public or private, which forms the boundary of a lot or such other property boundary as determined to be a "front lot line" by the zoning administrator pursuant to the terms of article II, General Regulations, of this chapter.

Lot line, rear. The lot line or lines opposite and most distant from and most nearly parallel to the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line. The rear lot line on corner, through and flag lots shall be such line as determined in accordance with the procedures set forth in article II of this chapter.

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

Lot of record. Any lot created by recordation of a plat in the office of the clerk of the circuit court provided that:

- Such lot and plat complied fully with all zoning and subdivision regulations in effect at the time of such recording; or
- Such lot or plat was not in conformance with the regulations contained in the zoning ordinance or subdivision ordinance at the time of said recordation, but has become conforming by subsequent amendment of said regulations.

Lot types. (See Figure I-3 in Appendix A)

- *Corner lot.* A lot abutting two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five degrees (135°).
- *Interior lot.* A lot other than a corner lot.
- *Flag lot.* A lot which does not abut a public street other than by its driveway or other strip of land not meeting the required minimum frontage standards.
- *Reverse frontage lot.* A through lot from which access is not available or permitted from one of the parallel or nonintersecting streets upon which it fronts. Such limitations on access are intended primarily to prevent congestion and safety hazards on arterial streets as defined in the subdivision ordinance.
- *Through lot.* An interior lot abutting two or more streets.

Lot width. The width of a lot shall be determined as follows (See Figure I-2 in Appendix A):

- If the side lot lines are parallel, the distance between these side lines, measured perpendicularly at the minimum required front yard setback line for the district in which located;
- If the side lot lines are not parallel, the width of the lot shall be the length of a line measured at right angles to the axis of the lot at a point which is equal to the required minimum front yard setback for the district in which located. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.

Main-line utilities. Within each type of utility system, such as sewer, gas, or water, the principal artery or arteries of the system to which individual lots or buildings may be connected.

Manufacturing. Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.

Manufactured home. A structure subject to federal regulatory standards (42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act), which is transportable in one (1) or more sections; is eight feet (8') or more in width with a body forty feet (40') or more in length in traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. For the purposes of this chapter, a manufactured home shall not be deemed a single-family detached dwelling or a modular dwelling unit, nor shall the term be construed as including "park model recreational vehicles" with such vehicles being defined as: (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard. Any transportable factory-built dwelling unit constructed prior to the enactment of Home Construction and Safety Standards Act of 1974 or which does not meet such standards together with any manufactured home which has been modified to the extent that it is no longer capable of use for residential occupancy purposes or which has had factory installed appliances removed rendering the unit uninhabitable, shall be deemed a trailer for the purposes of this chapter.

Manufactured home park. A parcel of land with necessary improvements and utilities which is designed to accommodate two (2) or more manufactured homes on individual spaces but without transfer of title to such spaces.

Manufactured home subdivision. A subdivision designed and developed in accordance with all applicable requirements of the R7—Manufactured Home Subdivision District—of this chapter and in which individual lots are available for placement of manufactured homes and transfer of title.

Marina. A facility designed for docking, storing, servicing, berthing, fueling or repairing of primarily recreational boats and which may include accessory restaurant and retail facilities. Marinas may include in-water berths/slips which are covered or uncovered, dry berths/slips for boat storage on land, either indoors or outdoors, and provisions for transfer of boats to and from the water by means of ramps or mechanical equipment.

Microbrewery/micro-distillery/micro-winery/micro-cidery. A facility for the small-scale production and packaging of alcoholic beverages/spirits of the following types and quantities for distribution, retail or wholesale, on or off the premises: beer (not more than 15,000 barrels per year), distilled spirits, wine, or alcoholic cider (not more than 20,000 gallons per year). Permitted accessory uses shall include retail sales, tasting rooms for beverages produced on-site, restaurants, reception halls, and live entertainment as otherwise permitted in the zoning district.

Mini-storage warehouse. A type of warehousing consisting of individual, small, self contained storage spaces which may be owned, leased, or rented to individuals. Such facilities may also be known as self-storage warehouses. For the purposes of this chapter, the two types of mini-storage warehouse/self-storage facilities are:

- *Single-story:* Facilities in which the storage units/cubicles typically are arranged in long, narrow single-story buildings with the majority of the individual units accessed through doors that open directly to the outside.
- *Multi-story:* Facilities in which the storage units are arranged in a multi-story structure with all of the individual storage units/cubicles accessed through doors that open to interior corridors.

Mixed-use development. Property that incorporates two or more different principal uses (typically residential and commercial) within a single planned development under a single master plan.

Mobile Food Vending Vehicle (Food Trucks)—A self-propelled or towed vehicle licensed by the Department of Motor Vehicles, containing a mobile kitchen in which food and non-alcoholic beverages are stored and prepared, which is not parked on public rights-of-way, and from which menu items are served in individual portions to walk-up customers. The term shall not include vehicles that traverse streets in residential areas to sell and dispense exclusively ice cream and similar frozen dessert products, nor shall it include mobile food concession vehicles (aka "chuck wagons") that travel from construction site to construction site during the course of a day to sell and dispense pre-packaged food items to persons engaged in permitted work being conducted on the site.

Model home display park. A single parcel of land including two (2) or more non-industrialized unit model homes with such units intended for display purposes only and not used residentially. One (one) or more of such model homes may be used as a sales or business office.

Monument or survey monument. A permanent structure or edifice used or installed to mark the position of a survey station.

Motel. An establishment providing transient sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Nightclub. An establishment that offers alcoholic beverages for on-premises consumption, which is open for business after 11:00 p.m., and which also includes an area where patrons can dance to live or recorded music, or a stage or floor area from which live bands or solo artists perform music or entertainment. This term shall also include restaurants and commercial reception halls if they are open for business after 11:00 p.m., serve alcoholic beverages at a bar or at tables, and have a dance floor or performance area as described above. The term shall not include a restaurant in which live, non-amplified musical performances are offered as background entertainment for dining patrons, provided the restaurant does not have a dance floor.

Nonconforming lot. A lawfully created lot of record, the area, dimensions or location of which complied with the regulations in effect at the time of lot creation, but which fails by reason of adoption of or subsequent amendment to this chapter to conform to the present requirements of the zoning district in which located.

Nonconforming structure or building. A lawfully constructed structure or building, the size, dimensions or location of which complied with the regulations in effect at the time of the construction, but which fails by reason

of adoption of or subsequent amendment to this chapter to conform to the present requirements of the zoning district in which located.

Nonconforming use. A lawfully established use or activity which complied with the regulations in effect at the time of its establishment, but which fails by reason of adoption of or subsequent amendment to this chapter to conform to the present requirements of the zoning district in which located.

Nursing home. Rest homes, extended care homes, convalescent homes, or similar facilities which are established to render domiciliary or nursing care for chronic or convalescent patients and which are properly licensed by the state, but not including child care homes or facilities for the care of drug addicts, alcoholics, mentally ill or developmentally disabled patients.

Office. The facilities in which the administrative activities, record keeping, clerical work and other similar affairs of a business, profession, service, industry, or government are conducted and, in the case of professions such as dentists, physicians, lawyers or engineers, the facilities where such professional services are rendered.

Office park. A comprehensively planned and unified office oriented development containing at least two (2) separate buildings on at least five (5) acres [2ha] and protected by covenants and restrictions designed to control such things as architectural design, building façades, landscaping, screening, buffering and environmental protection. Office parks typically have a mixture of office, service, professional, and commercial activities and are designed to incorporate aesthetic and service amenities for the employees and patrons of the establishments located within the park.

Open space. An area that is intended to provide light and air, and is designed, depending upon the particular situation, for environmental, scenic or recreational purposes. Open space may include but need not be limited to, lawns, decorative plantings, bikeways, walkways, outdoor active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, greenways and water courses. The computation of open space shall not include driveways, parking lots or other surfaces designed or intended for motorized vehicular traffic.

Open space, common. Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of all the residents or property owners of the development.

Outdoor display. A temporary form of advertisement involving the arrangement of representative samples of items offered for sale on the premises of a business establishment in a neat and organized manner.

Outdoor storage. The keeping of any goods or materials, excluding junk or solid waste, outside of a building for a period of time comprising twenty-four (24) continuous hours or more.

Overlay regulations. Requirements, as specified in this chapter, which supplement and apply in addition to those normally applicable in a particular zoning district.

Parcel. A contiguous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Parcel identification number. A number or series of numbers assigned by the county which uniquely identifies each parcel of land in the county.

Park. Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking lot. An area not within a building where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking.

Parking, off-street. Space provided for vehicular parking outside the dedicated street right-of-way, and including any area necessary for ingress or egress.

Particulate. Any finely divided solid or liquid material.

Payday loan establishment. A place of business engaged in offering small, short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual or individuals at a depository institution, or (iii) any form of assignment of income payable to an individual or individuals, other than loans based on income tax refunds. For the purposes of this chapter, such establishments shall not be construed to be "banks" or "financial institutions."

Peak period. (also peak hour) The period or hour in which the heaviest traffic volume occurs on a roadway or within a network.

Performance guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations, and the approved plans and specifications of a development.

Personal service establishments. Establishments primarily engaged in the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person, including barber shops, beauty parlors, laundering, cleaning and other garment services, tailors, shoe repair, and similar establishments.

Pet shop. An establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

Pharmacy, professional. An establishment solely devoted to the practice of dispensing drugs, medicines or medical chemicals and the compounding of prescriptions in accordance with State law.

Place of worship. A building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith. The term "place of worship" is not to be construed in any way to include private residences within which religiously related gatherings are conducted.

Plan approving agent. The individual responsible for the administration of the site plan requirements of this chapter and the approval of said site plans. The zoning administrator or designee shall serve as the plan approving agent.

Planned development. An area approved by the board and planned and developed under a single master plan and containing one (1) or more land uses.

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

Plat. A plan or map of a tract or parcel of land, meeting the requirements of this chapter and the subdivision ordinance, which is to be or has been subdivided. As a verb, the term is synonymous with subdivide.

Pool House. A detached accessory structure located on a lot containing a single-family detached residential structure and an accessory in-ground swimming pool. Such pool house may contain a bathroom consisting of a sink, toilet and shower, but not a bathtub.

Poultry. All domestic fowl and game birds raised in captivity.

Principal building or structure. A building or structure or, where the context so indicates, a group of buildings or structures, in which the primary use of a lot or parcel is conducted.

Principal use. The primary or main use of land or structures, as distinguished from an accessory use.

Private club. A building and related facilities owned and operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership.

Private school. A school operated by private interests as a substitute for instruction required in state supported public schools.

Property owners association. As defined in section 55-509, Code of Virginia, a property owners association means an incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted in a declaration. The term includes homeowners' associations; however, it shall not include condominium, cooperative, timeshare, or membership owners associations.

Public sewer system. A sewer system owned and operated by a municipality, county, service authority or sanitary district.

Public water system. A water system owned and operated by a municipality, county, service authority or sanitary district.

Record drawing. A reproducible document conforming to the marked-up prints, drawings, and other data created after the construction process is complete showing the purported location of work elements and significant changes made during the construction process. Record drawings are based on unverified information provided by parties who are generally assumed reliable.

Recreation area. A classification of open space that includes land areas specifically providing for opportunities for passive and active recreational activities for residents of a development. Recreation areas are set aside and reserved for the common use of the residents of a development. Such areas may include, but are not limited to, tennis courts, swimming pools, athletic fields, picnic areas, golf courses, beaches, boat launching ramps, docks, woodlands, paths, trails, and similar facilities. Except as otherwise provided for herein, recreation areas shall not include balconies, private patios, or any buffer areas not set aside for the convenient use of all residents of a development. Water areas with specific recreational value may be classified as part of a recreation area only with the specific approval of the board of supervisors.

Recreational vehicle. A device, whether or not self-propelled, designed or used for transporting persons or property for or in connection with recreation or pleasure, as distinguished from mere transportation, except that it shall not include bicycles or other vehicles designed to be moved solely by human power. The term shall include, without limitation, motor homes, travel trailers, pickup campers, tent trailers, boats, boat trailers and any device designed or used primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place or eating place, temporarily.

Recycling center. A place where waste products are deposited on a relatively large scale to be collected and transported to a facility ultimately for the purpose of reducing them into raw materials and transforming them into new and sometimes different products.

Recycling collection point. An incidental use that serves as a drop-off point for temporary storage of recoverable resources, but where no processing of such items occurs. Such facilities are generally located in shopping center parking lots or in other public or quasi-public areas, such as churches and schools.

Recycling plant. A facility that is not a junkyard and in which recoverable resources, such as newspaper products; glass; metal cans; wood; rubber; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be use for production.

Regional Medical Center. A licensed and Commonwealth of Virginia accredited health care institution, whether public or private, with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, emergency care and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services. In terms of the emergency care, such centers serve and accept transport of patients from the emergency services departments of three or more jurisdictions/municipalities, including the host jurisdiction.

Repair service establishment. An establishment involved primarily in the repair and general service of common home appliances, household goods, or lawnmowers and gardening equipment; or, establishments involved primarily in interior decorating, reupholstering, or the making of draperies, slipcovers and other similar articles; or such other types of establishments which demonstrate similar impacts, but specifically not including furniture or cabinet-making establishments.

Resort. A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort is self-contained and provides personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort complement the scenic qualities of the location in which the resort is situated.

Restaurant, brew-pub. A sit-down restaurant that includes a microbrewery as an accessory use.

Restaurant, drive-in. An establishment that delivers prepared food and beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and beverages to customers who are not in motor vehicles, for consumption primarily off the premises.

Restaurant, fast food. Any establishment whose principal business is the high volume, high turnover sale of foods or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal methods of operation include selling food, frozen desserts, or beverages which are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant, sit-down. Any establishment, other than a fast-food restaurant, where food and drinks are prepared, served and consumed primarily within the principal building.

Retail sales. The sale of goods, merchandise and commodities for use or consumption by the immediate purchaser.

Retention basin. A pond, pool, or basin used for the permanent storage of water runoff. Also referred to as a "wet pond."

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Right-of-way, road or street. The total width of land dedicated or reserved for public or restricted travel, including appurtenant facilities located therein, such as pavement, ditches, curbing, gutters, bikeways, sidewalks, shoulders, and sufficient land for the maintenance thereof.

Roadside stand. An accessory use, which may incorporate a structure, that offers for sale farm or garden produce which is grown on the premises.

Roadway geometrics. The alignment, curvature, horizontal and vertical grade, shoulder and drainage structure configuration, and other similar details relative to a roadway or segment thereof.

Sanitary sewer. Pipe conduits used to collect and carry away domestic, commercial or industrial sewage from the generating source to treatment plants. Storm, surface and ground waters are not intentionally admitted into sanitary sewers.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit or receive radio or electromagnetic waves between terrestrially and orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Scenic easement. An easement, the purpose of which is to limit development in order to preserve a view or scenic area.

School. A facility that provides a curriculum of elementary, middle, or secondary academic instruction, including kindergartens, elementary schools, middle schools, and high schools. Facilities offering General Equivalency Diploma (GED) and other adult and continuing education programs and curricula are also included within this definition.

Screening. The method by which a view of one site from an adjacent right-of-way or another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Seasonal occupancy. Occupancy of a dwelling unit, timeshare unit, or other accommodation for a limited period of time, typically not exceeding several weeks per calendar year. The occupancy may be in several intervals throughout the year, or in a single block of time, but in no event shall it extend for a period long enough to establish "legal residency" under applicable tax codes or to require registration of children for school attendance.

Seating capacity. The actual seating capacity of an area based upon the number of seats or one seat per eighteen inches (18") [46cm] of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the Uniform Building Code.

Secured medical facility. Any institution receiving inpatients and providing general or specialized care for mentally ill or other psychologically impaired patients in a facility which is secured so as to prevent patients from leaving the premises except under supervision or with special permission.

Sedimentation. A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

Senior Housing. As permitted by the terms of the Virginia Housing Law, Section 36-96.7 of the Code of Virginia (1950, as amended) and the federal Housing for Older Persons Act of 1995 (HOPA), senior housing or housing for older persons can include: i) that which is provided under any state or federal program that is designed and operated to assist elderly persons, as defined by such program; or (ii) a housing community or facility wherein at least 80% of the units are occupied by at least one person fifty-five (55) years of age or older and wherein none of the residents in the community or facility are under the age of nineteen (19). The requirements of "Housing for Older Persons" as set forth in the Virginia Fair Housing Law and HOPA shall control as to any allowable exemptions to the occupancy rules. The developer, owner, property owners association and/or manager of the housing community or facility shall establish, make available and adhere to policies and procedures which implement the occupancy criteria. Senior housing arrangements may be further distinguished as one or more of the following categories:

- *Independent Living Facility:* A building or series of buildings containing independent dwelling units intended to provide housing for older persons not requiring health or other services offered through a central management structure/source. The facility may include ownership or rental units and must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.
- *Congregate Care Facility:* A building or series of buildings containing residential living facilities intended as housing for older persons and which offers the residents of such facility the opportunity to receive their meals in a central dining facility, to receive housekeeping services and to participate in activities, health services, and other services offered through a central management structure/service.
- *Assisted Living Facility:* A building or series of buildings containing residential living facilities for older persons and which provides personal and health care services, 24-hour supervision, and various types of assistance (scheduled and unscheduled) in daily living and meeting the requirements of Section 63.2-1800, et. seq. of the Code of Virginia (1950), as amended.
- *Continuing Care Retirement Community (CCRC).* A senior housing development that is planned, designed and operated to provide a full range of accommodations for older persons, including independent living, congregate care and assisted living facilities, and which may also include a nursing home (skilled-care facility) component. Residents may move from one level to another level of housing accommodations as their needs change. CCRCs may include ownership and rental options but must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.

Septic system. An underground system with a septic tank and one or more drainlines, depending on volume and soil conditions, which is used for the decomposition of domestic wastes. Such systems may also be referred to as soil absorption systems.

Service station. Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Setback. The required minimum horizontal distance from any street right-of-way line, lot line, or other designated line that establishes the area within which buildings or structures may be erected. For the purposes of this chapter, unless otherwise noted, the required front, side and rear yard dimensions are used to establish the applicable minimum setback dimensions. (See Figure I-2 in Appendix A)

Setback Line. A line or lines which establish the required minimum front, rear, and side setback distances as established in the zoning ordinance.

Shopping center. A group of architecturally unified and related retail establishments which are planned, developed, owned, and managed as a single operating unit. The establishments contained within the shopping center unit are related to each other and the market area served in terms of size, type, location, and market orientation. On-site parking is provided in direct relationship to the characteristics of the establishments contained within the center. For purposes of this chapter, the various types of shopping centers are defined as follows:

- *Neighborhood shopping center.* A small, neighborhood-oriented shopping center with a minimum of three (3) separate establishments and a gross leasable floor area of less than ten thousand (10,000) square feet. The establishments contained within the neighborhood center deal in goods and services required on a daily basis.
- *Community or regional shopping center.* A shopping center or mall of at least ten thousand (10,000) square feet of gross leasable floor area and containing a minimum of five (5) separate establishments which deal in a wide range of goods and services which are necessary on a community-wide basis. Community shopping centers typically contain one or more major anchor tenants and other establishments.
- *Specialty shopping center.* A shopping center or mall containing an interrelated mix of retail and accessory establishments having a distinct product or market orientation (for example, tourist-oriented center, mall, or complex; outlet mall or complex; or a center containing a group of home furnishings establishments) and linked together by an architectural, historical, or geographic theme. Specialty shopping centers contain at least five (5) separate establishments and a minimum of ten thousand (10,000) square feet of gross leasable floor area.

Shrub. A relatively low growing woody plant typified by having several permanent stems instead of a single trunk. For purposes of meeting the landscaping requirements of this chapter, shrubs shall be further defined as follows:

- *Deciduous shrub.* Any shrub which sheds its foliage during a particular season.
- *Evergreen shrub.* Any shrub which retains its green foliage throughout the entire year.

Sight triangle. A triangular-shaped portion of land established at street intersections and entrances onto streets in which nothing is permitted to be erected, placed, planted or allowed to grow in a manner that limits or obstructs the sight distance of motorists, bicyclists or pedestrians traversing or using the intersection or entrance.

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Site plan. A required submission, prepared and approved in accordance with the provisions of this chapter, which is prepared to scale and depicts and provides design details on the proposed improvements on a site such as the existing and proposed topography, vegetation, drainage, floodplains, marshes, waterways, open space, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices, complete dimensioning of the existing and proposed structures and improvements, the boundaries of the site, and any other information that reasonably may be required.

Skirting. A weather-resistant material used to enclose the space from the bottom of a manufactured home to grade.

Small wind energy system. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kilowatts (kW) and is intended primarily to generate electricity or to reduce on-site consumption of utility power by means of wind power.

Solar Energy Facility. A renewable energy facility that either (a) generates electricity from sunlight, consisting of one or more photovoltaic (PV) systems and other appurtenant structures and facilities within the boundaries of the site, or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce electrical or mechanical power by means of any combination of collecting, transferring, or converting solar generated energy. The term shall not be construed to include integrated photovoltaics incorporated into roof shingles or other building materials.

Solid waste disposal site or landfill. Areas which are utilized for the ultimate disposition of solid wastes as defined in chapter 19 of this Code, and also specifically including waste plant material, stumps or construction materials resulting from land-clearing and development activities.

Special use. A use that is not permitted in a particular zoning district except by a special use permit granted in accordance with the provisions established by this chapter.

Special use permit. A permit which may be authorized by the board for those uses identified as special uses by this chapter, in accordance with all applicable standards, criteria and procedures as established herein.

Stable, private. An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

Stable, commercial. A facility consisting of fenced enclosures and/or buildings in which horses are kept as a commercial venture, including boarding, hire, and sale.

Story. That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level.

Street. An established legal right-of-way or platted right-of-way dedicated for the use of the general public, or portions thereof, either accepted by the department of transportation or approved under the terms of the zoning ordinance as a private transportation system, or existing as an unimproved right-of-way serving multiple properties by easements owned in common or by other legally enforceable rights of pedestrian and vehicular access benefiting the adjoining properties and having a name officially assigned by the County. A street shall provide vehicular and pedestrian access to property for all purposes of travel, transportation and parking to which it is adopted, devoted, or dedicated. The term is synonymous with road, lane, drive, avenue, highway, roadway, thoroughfare, or any other term of like or common meaning. For the purposes of this chapter, there shall be two (2) types of streets:

- *Street, private.* Any street created under the terms of this chapter, which is not a component of the state primary or secondary system, and which is guaranteed to be maintained by a properly constituted

association of property owners from the development of which such street is an approved part. In addition, the term "private street" shall include those unimproved rights-of-way serving multiple properties by easements owned in common or by other legally enforceable rights of pedestrian and vehicular access benefiting the adjoining properties and having a name officially assigned by the County (and sometimes referred to as "dirt streets").

- *Street, public.* A platted street, dedicated for the use of the general public for all purposes of travel, transportation or parking unless specifically noted otherwise.

Street Classification. Streets shall be functionally classified as follows:

- *Access street.* The lowest order of street, designed to serve low volumes of traffic at low operating speeds. As its primary function is to provide access to individual lots, access streets should carry only the volume of traffic generated on the street itself. Cul-de-sacs and other terminal streets are typical of this order of street.
- *Subcollector street.* The second order of street, designed to carry moderate volumes of traffic, at the same low operating speeds as access streets. Such streets collect traffic from access streets as well as provide access to individual lots. Long cul-de-sacs and other terminal streets may be within this order of streets where their traffic volumes exceed the standards for access streets.
- *Collector streets.* The highest order of street generally permitted within a residential subdivision, designed to conduct and distribute traffic between streets of lower order and streets of higher order linking major activity centers. The class is further divided into "major collector" and "minor collector"/based on traffic volumes.
- *Arterial street.* Includes streets and roads which function within a regional network conveying traffic between major activity centers. The purpose of such streets is to carry relative large volumes of traffic at higher speeds. Direct residential lot access is prohibited while commercial or industrial lot access is controlled and limited to high trip volume generators. Like collector streets, the arterial class is further divided into "major arterial" and "minor arterial" based on traffic volumes.
- *Expressway and freeways.* The highest order of roadway, designed exclusively for unrestricted movement of traffic. Access is only with selected arterials by means of interchanges.

Structure. Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner, including signs, but not including land forms.

Subdivide or subdivision. The division of a lot, tract, or parcel of land into two or more lots, parcels or other divisions of land for the purpose of transfer of ownership.

Surface mine. Any operation involving the breaking or disturbing of the surface soil or rock, where the primary purpose of the operation is to extract or remove sand, soil, gravel, or other natural materials from the earth and to transport the material, or any portion thereof, off the site of the surface mine operation. Specifically exempt from this definition are the following:

- Any excavation for roads, utilities, buildings, drainage structures, channels or ditches, or ponds, lakes or other water bodies or features, whether intended for drainage, recreational or aesthetic purposes, when such excavations are determined by the zoning administrator to be incidental to and in accordance with the approved development plans or site plans for a residential, commercial, industrial or other development activity, even though the excavated material, or a portion thereof, may be hauled offsite and sold. In no case shall any exempted pond or lake have a water depth exceeding thirty-three feet (33').
- Any excavation for the purpose of conducting a bona fide agricultural operation, including but not limited to excavations to improve drainage, provide watering facilities for livestock or create a holding lagoon for animal waste, but only so long as such excavation is devoted solely to such use.

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- Any trench, ditch or hole for utility lines, drainage pipe or other similar public works facilities or projects.
 - Excavations for the installation of underground storage tanks, if to be backfilled to natural grade.
 - Excavations for the purpose of enlarging or improving an existing structure.
 - Any excavation for a pond or lake less than one (1) acre in size when, in the opinion of the zoning administrator, the sole purpose of such pond or lake is the recreational or aesthetic use and benefit of the occupants or intended occupants of the property and the objectives of this chapter would not be served by requiring a use permit. In no case shall any exempted pond or lake have a water depth exceeding thirty-three feet (33').
 - Any excavation found by resolution of the board of supervisors to be operated, or proposed to be operated, directly or indirectly by or for the exclusive benefit of the Commonwealth of Virginia for the purpose of facilitating public roadway improvements, provided that such operation will not result in the creation of an excavated pit on the subject property, and provided further that the board is assured that such surface mining operation will be conducted in accordance with appropriate erosion and sediment control practices.

Notwithstanding the foregoing, in any of the above situations where the Zoning Administrator determines that the primary purpose or motivation for the excavation is to sell the excavated material as a commercial undertaking, the excavation shall be considered a surface mine and shall be subject to special use permit review.

Temporary family health care structure. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, and which has been primarily assembled at a location other than the site of installation.

Timeshare/Interval Ownership. A facility in which individual suites or living units are sold in increments of time (e.g., weeks or months) to individual owners for the purpose of transient or seasonal occupancy. Under this arrangement, the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule, which may vary within certain specified time periods, on a periodically recurring basis.

Tourist home. An establishment, either in a private dwelling or in a structure accessory and subordinate to a private dwelling, in which temporary accommodations are provided to overnight transient guests for a fee.

Tower. A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

Traffic, background. The number of trips existing or projected to exist on a roadway or roadway system without the land use under study, i.e., traffic not directly or indirectly caused or attracted by the analyzed land use.

Trailer. A vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle. For the purposes of this chapter, containerized cargo units designed to be placed upon and transported by a vehicle shall be construed to be trailers. The removal of wheels, tongues or hitches, or the placement on a foundation upon the ground shall not be deemed to change the character of a trailer.

Transient occupancy. Occupancy of a lodging unit or accommodation on a temporary basis for less than (ninety) 90 continuous days by a visitor whose permanent address for legal purposes is not the lodging unit occupied by the visitor.

Transitional buffer. A special landscaped yard area to be provided in accordance with the requirements of this chapter at the interface of certain zoning districts of differing intensities for the purpose of minimizing potential land use conflicts.

Transitional home. A dwelling unit, other than a group home, shared by more than four (4) unrelated persons, including resident staff, who do not qualify as a "family" as defined in this chapter, and who live together

temporarily as a single housekeeping unit, and in which staff persons provide or facilitate care, education, counseling and participation in community activities for the resident clients. The following and similar types of occupancy shall be considered to be transitional housing:

- Temporary quarters for victims of physical or emotional abuse;
- Temporary or emergency quarters for children or adults needing room and board and support services that would lead to self-sufficiency and permanent shelter.

The term "transitional home" shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

Tree. A woody perennial plant generally with one main stem or trunk, but including multiple stemmed plants, which develops many branches, generally at some height above the ground. For the purpose of meeting the landscaping and preservation requirements of this chapter, the types of trees shall be defined as follows:

- *Deciduous tree.* Any shade, flowering or ornamental tree which sheds its foliage during a particular season.
- *Evergreen tree.* Any tree which retains its green foliage year round.
- *Heritage tree.* Any tree which has been designated by ordinance of the board as having notable historic or cultural significance to any site or which has been so designated in accordance with an ordinance adopted pursuant to section 15.2-2306, Code of Virginia.
- *Mature tree.* Any deciduous or evergreen tree with a minimum diameter (caliper) of fourteen inches (14") when measured four and one-half feet (4-½') above ground level.
- *Memorial tree.* Any tree which has been designated by ordinance of the board to be a special commemorating memorial.
- *Significant tree.* Any deciduous or coniferous tree with a minimum diameter (caliper) of twenty-two inches (22") when measured four and one-half feet (4-½') above ground level.
- *Specimen tree.* Any tree which has been designated by ordinance of the board to be notable by virtue of its outstanding size and quality for its particular species.

Tree cover. The area directly beneath the crown and within the dripline of a tree.

Tree crown. The aboveground parts of a tree consisting of the branches, stems, buds, fruits, and leaves. Also referred to as "tree canopy."

Trip. A single or one-way vehicle movement to or from a property, site, driveway or study area.

Trip assignment. The assignment of vehicle trip volumes (site-generated and background) to the roadway network around a development, and the assignment of site-generated volumes to individual and specific driveways and local streets within the development. The process entails analyzing all trips, both entering and exiting.

Trip ends. The total number of trips entering plus the total number of trips exiting a site over a designated period of time.

Trip generation. The number of trip ends caused, attracted, produced and otherwise generated by a specific land use, activity or development.

Truck, heavy. A truck having a gross rated carrying weight of more than one (1) ton [900kg].

Truck, light. A truck having a gross rated carrying weight of one (1) ton [900kg] or less.

Truck stop. Any facility offering fuel for sale for commercial vehicles, trucks and automobiles and constructed and designed to enhance maneuverability and fueling of tractor trailer vehicles by the contouring of curbs and aprons, and the placement of islands or other such design criteria. In addition a truck stop shall have the capacity to fuel three (3) or more tractor trailer vehicles at the same time and parking facilities for three or more vehicles. The facility may include provisions for one (1) or more of the following:

- sleeping accommodations for commercial vehicle or truck crews;
- sale of parts and accessories for commercial vehicles or trucks;
- a restaurant; or
- truck parking or storage area.

Trucking terminal. An area and building where cargo is stored and where trucks load and unload cargo on a regular basis.

Use. The purpose for which a structure or a tract of land is designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on or intended to be carried on in a structure or on a tract of land.

Usable satellite signal. A satellite signal which, when viewed on a conventional television, is at least equal in picture quality to that which can be received at the subject location from local commercial television stations by use of a conventional outdoor antenna or by way of locally available cable television service.

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

Warehouse. A building used primarily for the indoor storage of goods and materials, usually without retail sales.

Waterman. An individual who is self-employed in the harvesting of seafood for sale.

Wetland.

- *Non-tidal.* Those wetlands, other than tidal wetlands, that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act in 33 CFR 328.3b, as may be amended from time to time..
- *Tidal.* Vegetated and un-vegetated wetlands, as defined in Section 28.2-1300 of the Code of Virginia

Wholesale trade. The business of selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

Woodland. A tract of land dominated by trees but usually also containing woody shrubs, grasses, and other vegetation. For purposes of this chapter, the term woodland shall incorporate woods, woodland areas, wooded areas, forest, forested areas and any other terminology commonly recognized to have the same meaning.

Woodline. Line of demarcation separating areas of woodland from nonwoodland areas. For purposes of this chapter the woodline shall be defined as surrounding woodland including the leading edge of the dripline of the trees contained therein plus five feet (5').

Workboat. A watercraft used in the conduct of or in conjunction with a commercial operation such as aquaculture, seafood harvesting for sale, or other waterborne commercial or industrial activity whether or not designed and built or modified specifically for that commercial purpose.

Yard. Open space on the same lot with a building, a group of buildings, or a use, which is unoccupied and unobstructed from the ground upward, except as may be permitted by this chapter. (See Figure I-2 in Appendix A)

- *Front yard.* A yard extending across the full width of a lot and lying between the front lot line(s) and the principal building(s).
- *Side yard.* A yard between the side lot line and the principal building(s), and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot lines.
- *Rear yard.* A yard extending across the full width of the lot and lying between the rear lot line and the principal building(s).

Yard, required. The open space, of the dimension specified by the district in which located, abutting the lot lines and extending inward therefrom, and thus defining the buildable portion of a lot (See setback definition).

Zoning administrator. The county administrator or designated agent.

Zoning map. The maps, together with all subsequent amendments thereto, which are adopted by reference as a part of this zoning ordinance and which delineate the zoning district boundaries.

Where questions or conflicts arise over the definition of other words used in this chapter that are not defined above, the zoning administrator shall make a determination as to the appropriate definition or meaning. (Ord. No. O98-18, 10-7-98; Ord. No. O99-17, 12-1-99; Ord. No. 01-10(R-1), 6-19-01; Ord. No. 01-20(R), 10-16-01; Ord. No. 03-2, 1-21-03; Ord. No. 03-25, 6-17-03; Ord. No. 05-13(R), 5-17-05; Ord. No. 05-34(R), 12-20-05; Ord. No. 06-19(R), 7-18-06; Ord. No. 06-21, 9-19-06; Ord. No. 07-3(R), 5-15-07; Ord. No. 08-17(R), 3-17-09; Ord. No. 10-1(R), 1-19-10; Ord. No. 10-2, 3-16-10; Ord. No. 10-24, 12-21-10; Ord. No. 11-15(R), 11-16-11; Ord. No. 12-15, 9-18-12; Ord. No. 14-20(R), 10-21-14; Ord. No. 14-21, 11-18-14; Ord. No. 14-27, 12-16-14; Ord. No. 15-12, 9-15-15; Ord. No. 15-15(R), 1-19-16; Ord. No. 17-8, 8-15-17; Ord. No. 17-12, 9-19-17; Ord. No. 20-5, 3-17-20)

Sec. 24.1-115. Special use permits.

Certain uses, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of a special use permit by the board after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the county will be protected. No inherent right exists to receive a special use permit; such permits are a special privilege granted by the board under a specific set of circumstances and conditions, and each application and situation is unique. Consequently, mere compliance with the generally applicable requirements may not be sufficient and additional measures, occasionally substantial, may be necessary to mitigate the impact of the proposed development. In other situations, no set of conditions would be sufficient to approve an application, even though the same request in another location would be approved.

(a) *Application.*

- (1) Applications for the establishment of special uses shall be submitted on the official application form and shall contain the following:
 - a. A narrative description of the property which shall include the assessor's parcel number or in the case of a recorded subdivision, the lot number and block description.

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- b. A narrative description of the proposed uses of the property.
 - c. A sketch plan of the site prepared at scale to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the commission and the board that adequate provisions will be made for compliance with all standards for that particular use and the extent of property to be so used on a given parcel or parcels.
 - d. Property owner's signature or written consent.
 - e. A traffic statement specifying the expected trip generation, both 24-hour and peak hour, and, if either exceed the trip generation limits established in article II, division 5, a traffic impact analysis prepared in accordance with that section.
 - f. Such other attachments as may be necessary by virtue of being in an overlay district or the YVA district.
- (2) An application shall not be deemed to have been filed until it is complete including all signatures, attachments, and the requisite filing fee.
- (b) *Procedure for issuing special use permits.*
- (1) Application for the establishment of special uses shall be submitted to the zoning administrator and, upon determination that such application contains all necessary elements, shall be deemed received by the board and referred to the commission for its review and recommendation.
 - (2) The commission shall, within one hundred (100) days after the first meeting of the commission after such referral, report to the board its recommendation as to the approval or disapproval of such application and any recommendation for establishment of conditions, in addition to those set forth in this article, deemed necessary to protect the public interest and welfare. Failure of the commission to report within one hundred (100) days shall be deemed a recommendation of approval.
 - (3) In considering applications for special use permits, the commission shall use the following criteria in its review and report to the board:
 - a. Compatibility of the proposed use and location with the policies established in the comprehensive plan.
 - b. Compatibility of the proposed use with the character of adjacent properties and the surrounding neighborhoods and with existing and planned development.
 - c. Availability of, or ability to provide, adequate utilities, drainage, parking and loading space, lighting, screening, landscaping and open space.
 - d. Provision of safe and convenient pedestrian, bicycle, and traffic movement.
 - e. Compatibility of the proposed use with the intent and function of the particular zoning district in which located.
 - f. Compliance with applicable performance standards and requirements as set forth in article IV.
 - g. Ability to mitigate fully the negative external impacts of the proposal which are in excess of that which might otherwise be developed on the site.
 - (4) Upon receipt of the recommendation of the commission, the board, after public notice in accordance with section 15.2-2204, Code of Virginia, shall hold at least one public hearing on such application, and as a result thereof shall either approve or deny the request.

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- (5) In approving any special use permit, the board may by resolution:
- a. Impose such reasonable standards, conditions or requirements, in addition to any specified in this chapter, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to, special setbacks, yard requirements, increased screening or landscaping requirements, area requirements, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics.
 - b. Require that a performance guarantee, acceptable in form, content and amount to the county, be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.
 - c. Specify time limits or expiration dates for any such special use permits, including provisions for periodic review and renewal.
- (6) A certified copy of all resolutions authorizing a special use permit pursuant to this section shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the clerk of the circuit court.
- (7) When the board has acted on an application for a special use permit and has denied it, no other application for substantially the same request shall be considered until one (1) year has elapsed from the date of the board's action.
- (c) *Procedures applicable to permits.*
- (1) Unless otherwise specified by the conditions of the permit or as set forth in subsection (c) (6) below, failure to establish the special use authorized by the permit within two (2) years from the date of approval by the board shall cause the permit to terminate automatically. In the case of uses involving the construction of new buildings or other structures, the use shall be deemed "established" if all necessary foundation work has been completed within the two-year period and construction work is continuously and diligently pursued thereafter under a valid building permit. In the case of uses involving occupancy of land or an existing building, the use shall be deemed "established" only if the land or buildings have been occupied and the proposed activity conducted within the two-year period.
 - (2) Unless otherwise specified in the conditions of a permit or as set forth in subsection (c) (6) below, the initial term of each special use permit shall be for one (1) year from the date of approval. Upon compliance with those conditions and restrictions imposed by the board and all relevant county ordinances, the special use permit shall, without application, be renewed automatically for additional successive one (1) year terms. However, a special use permit shall not be so renewed and shall expire at the end of the term or current renewal thereof if notice of noncompliance with any material condition or restriction is mailed by certified mail to the permittee, at the address shown on the application for the permit or any new address of which the zoning administrator subsequently receives written notice, more than thirty (30) days before the end of the term or the renewal thereof then in effect and such noncompliance is not corrected within thirty (30) days to the satisfaction of the zoning administrator.

The provisions of this section are cumulative with the power of injunction and other remedies afforded by law to the county and, further, shall not be so interpreted as to vest in any applicant any rights inconsistent or in conflict with the power of the county to rezone the subject property or to exercise any other power provided by law.
 - (3) Once a special use permit is granted, such use may be enlarged, extended, increased in intensity or relocated only in accordance with the provisions of this section unless the board, in approving the initial permit, has specifically established alternative procedures for consideration of future

expansion or enlargement. If, however, the specially permitted use is no longer a use permitted in the zoning district in which located, the provisions of article VIII relative to expansion of nonconforming uses shall control any proposed enlargement of the use. If the use that is the subject of the special use permit becomes a use permitted as a matter-of-right through subsequent amendment of this chapter, the special use permit conditions shall be voided but only to the extent they are more restrictive than those conditions applicable generally to such by-right use.

- (4) Uses in a district for which a special use permit is required, which were legally existing without such a permit at the time of adoption of this chapter or an amendment thereto which required such a special use permit, shall not be deemed nonconforming uses, but shall, without further action, be deemed conforming special uses so long as they continue in existence. Such special uses shall be subject to the provisions of subsection (d) below with respect to any enlargement, extension, increase in intensity or relocation.
 - (5) Where any special use is discontinued for any reason for a continuous period of two (2) years or more, the special use permit shall automatically terminate without notice, except as provided in subsection (c)(6) below. A use shall be deemed to have been "discontinued" when the use shall have ceased for any reason, regardless of the intent of the owner or occupier of the property to reinstitute the use at some later date. The approval of a new special use permit shall be required prior to any subsequent reinstatement of the use.
 - (6) As provided in Code of Virginia sections 15.2-2209.1:
 - a. In the case of any special use permit outstanding as of January 1, 2017, and related to new residential or commercial development, any deadline in such special use permit or in this chapter that requires the commencement of a project or that requires the landowner or developer to incur significant expenses related to improvements for a project within a certain time, shall be extended to July 1, 2020. This provision shall not apply to any requirement that a use authorized by a special use permit or other zoning action shall be terminated by a certain date as within a set number of years. This extension of time shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.
- (d) *Amendment of special use permits.* An amendment is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid special use. Amendments shall be processed as follows:
- (1) Non-material and insignificant modifications, shifts in location, slight changes in size, shape, intensity, or configuration may be authorized by the zoning administrator provided there is nothing in the currently valid permit to preclude such action, the changes comply fully with other provisions of the permit and the Code, and that there will be a five percent (5%) or less increase in either lot coverage or floor area over what was originally approved.
 - (2) Minor enlargements, expansions, increases in intensity, relocations, or modifications of any conditions of an approved and currently valid special use may, without public hearing, be authorized, including the establishment or reestablishment of reasonable conditions, by resolution of the board provided that such minor changes comply with the following criteria:
 - a. There will be a cumulative total of less than a twenty-five percent (25%) increase in either total lot coverage or floor area;
 - b. There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;

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- c. Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement;
 - d. The proposal conforms to the provisions of this article and is in keeping with the spirit and intent of the adopted comprehensive plan.
- (3) Any proposed amendment other than those provided for in paragraphs (1) and (2) above shall be considered a major amendment of a previously approved and currently valid special use and shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit.
- (4) For an existing and currently valid special use permit which is no longer allowed as a special use in the zoning district in which located, the board, upon receipt of an application, may review and approve an amendment to said permit, provided such amendment does not allow the use to be enlarged, expanded, increased in intensity, relocated, or continued beyond any limitation specified in the existing use permit or established in article VIII Nonconformities.

(Ord. No. 01-20(R), 10-16-01; Ord. No. 08-17(R), 3-17-09; Ord. No. 12-15, 9-18-12; Ord. No. 17-12, 9-19-17)

Sec. 24.1-244. Landscape yards.

- (a) All proposed new developments shall include landscape yards around the perimeter of the site and the buildings erected on the site in order to facilitate adequate control and management of stormwater runoff and of non-point source pollution as well as to enhance the aesthetics of the project. In the case of expansions or redevelopment of existing development, perimeter landscape yards of the specified size, or as near to that size as determined practical by the zoning administrator, shall be provided on all sides of the site adjacent to such expansion or redevelopment.
- (1) The minimum dimensions of landscape yards around the site perimeter shall be twenty feet (20') for front yards and ten feet (10') for side and rear yards, to be measured from the lot line or, where drainage ditches or structures are located or are proposed to be located along lot lines, from the top or inside edge of the open ditch or structure. Landscape yards, as required herein, may include driveways providing access to other parcels in an effort to promote unified project design.
- (2) The zoning administrator may approve the transfer of up to fifty percent (50%) of the required landscape yard located behind the rear of the principal building on the site to the area in front of the principal building on the site provided that all of the following conditions are met:
- a. No remaining landscape yard shall be less than five feet (5') in width;
 - b. The total amount of landscaped open space on the site is not less than it would be without the transfer; and
 - c. No required transitional buffer is reduced.
- (3) Landscape yards shall be landscaped with trees, shrubs, bushes, plant material and ground cover in accordance with the provisions of section 24.1-242 of this chapter. If transfers have occurred, the transferred area shall be landscaped in accordance with the requirements for the area from where it was transferred.
- (b) A landscaped open space strip a minimum of ten feet (10') in width shall be provided adjacent to and surrounding all buildings and shall be landscaped in accordance with the provisions of section 24.1-242 of this chapter. This open space strip may be bisected by necessary entrances to the building and may include bicycle accommodations and pedestrian sidewalks serving the entrances provided that no more than fifty

percent (50%) of the open space strip may be comprised of impervious surfaces. In no case shall off-street parking be located within ten feet (10') of any building on the site.

- (1) That portion of this landscaped open space required at the rear of the principal building may be transferred to the perimeter landscape yard in order to provide additional screening and buffers for adjacent streets or developed properties.
- (2) Where the proposed structure, by reason of its intended use and market orientation, requires vehicular access into the front, sides or rear of the building, the zoning administrator may approve the transfer of the required landscaped open area adjacent to the structure to the perimeter landscape yard in order to provide additional screening and buffers for adjacent streets or developed properties. At least fifty percent (50%) of the area transferred shall be transferred to that portion of the perimeter area located in front of the principal building on the site.
- (2) If transfers have occurred, the transferred area shall be landscaped in accordance with the requirements for the area from where it was transferred.

(Ord. No. 03-42(R), 12-2-03)

Sec. 24.1-245. Greenbelts.

- (a) Greenbelts shall be provided contiguous to the street right-of-way along the following roads in accordance with the specified minimum widths:
 - (1) Bypass Road (Route 60)—35 feet
 - (2) Denbigh Boulevard (Route 173)—35 feet
 - (3) Fort Eustis Boulevard (Route 105)—35 feet
 - (4) Hampton Highway (Route 134)—35 feet
 - (5) Merrimac Trail (Route 143) between I-64 at Exit 230 (Camp Peary/Colonial Williamsburg) and Queen Creek—45 feet
 - (6) Penniman Road (Route 641) between the Colonial Parkway and Route 199—45 feet
 - (7) Route 132—45 feet
 - (8) Route 199—45 feet
 - (9) Victory Boulevard (Route 171)—35 feet
 - (10) East Rochambeau Drive from Oaktree Road (west) intersection to Mooretown Road and from Mooretown Road to dead end—45 feet
 - (11) Mooretown Road from Lightfoot Road to a point 1,400 feet south of its intersection with Clark Lane—45 feet
 - (12) Mooretown Road from Airport Road to Waller Mill Road—45 feet
 - (13) Lightfoot Road from Route 60 to Rochambeau Drive (west)—45 feet, except where the parcel also has frontage on Route 199, in which case the Lightfoot Road greenbelt shall be 35 feet.
 - (14) Rochambeau Drive (west) from Lightfoot Road to James City County line—45 feet.
 - (15) Interstate 64—45 feet.

The 10-foot perimeter landscape strip normally required at the rear of buildings by Section 24244(b) of this Chapter shall not be required on parcels subject to the 45-foot Greenbelt provision.

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- (b) Along the Colonial Parkway, a greenbelt of no less than three hundred feet (300') from the nearest edge of the roadway shall be provided. This may include property owned by the National Park Service.
 - (c) The greenbelt shall be left in an undisturbed natural state, unless the board, after conducting a duly advertised public hearing, authorizes clearing or development. Unvegetated or under-vegetated greenbelts shall be landscaped in accordance with the following planting requirements as if they were front yards:

35 foot Greenbelt	70 landscape credits per 100 linear feet
45 foot Greenbelt	90 landscape credits per 100 linear feet

Normally required front yard landscape credits may be counted toward these requirements. Nothing in this section however, shall be interpreted to preclude the following activities within greenbelts: (1) the planting of additional trees, shrubs or groundcovers, or the maintenance thereof; (2) the construction and maintenance of bicycle and pedestrian facilities; (3) the establishment, construction, and maintenance of necessary entrances to the site; (4) limited clearing of underbrush, nuisance plants, dead or diseased plants/trees, or limbs/understory necessary to provide reasonable sight lines to a commercial establishment; or (5) the installation of utilities necessary to serve the development provided that the crossing of the greenbelt minimizes disturbance to the greatest extent possible; or (6) the installation of signs which do not require disturbance of existing trees, except to the extent necessary to open limited sight lines for the signs. All of these may occur under the terms of an approved plan.

Where an existing or proposed utility easement greater than twenty (20) feet in width runs parallel to the right-of-way requiring the greenbelt, the required greenbelt dimension shall be increased by one (1) foot for every foot of easement width in excess of twenty (20) in order to ensure the availability of sufficient unencumbered greenbelt width for retention or placement of landscaping.

- (d) If approved, modifications shall preserve the feeling and sense of the natural character of the greenbelt as it currently exists and application for modifications shall contain pre-development and post development renderings. In the event the board approves disturbance of a greenbelt, it may require the area to be re-landscaped at the ratios specified for unvegetated buffers, or at such other ratios as it may deem appropriate. The cost of advertising and conducting public hearings to consider modifications shall be borne by the developer making the request.
- (e) Greenbelts shall be open space that is owned and maintained by a property owners' association, conservation land trust, or equivalent entity. Alternatively, a landscape preservation easement granted to the county or an appropriate land trust may be utilized.
- (f) Commercial properties fronting greenbelt roads shall be permitted to open limited sight lines which allow indirect views of buildings, but generally block views of parking. Such sight line clearing shall be shown on the landscape plan for the site which shall include both plan and perspective views.
- (g) For purposes of calculating residential densities, the area encompassed by the greenbelt shall be considered as developable acreage in such computations.

(Ord. No. 098-18, 10-7-98; Ord. No. 03-42(R), 12-2-03; Ord. No. 05-13(R), 5-17-05; Ord. No. 09-22(R), 10-20-09; Ord. No. 10-24, 12-21-10)

Sec. 24.1-251. General traffic management and analysis requirements.

- (a) *Applicability.* The provisions of this section shall apply to all new development as follows:
 - (1) Any residential, commercial, industrial use, or combination thereof, where the anticipated average weekday twenty-four (24) hour traffic generation, using the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition or as it may from time to time be amended) equals or exceeds

one thousand (1,000) trip ends or where the traffic volume during a peak hour equals or exceeds one hundred (100) trip ends unless the zoning administrator shall determine, in writing, that such analysis is unnecessary due to the existence of previous studies and analyses which adequately cover the extent of the proposed development and its traffic impact.

- (2) Any development or subdivision of a portion of property where the potential average weekday twenty-four (24) hour traffic generation, using the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition or as it may from time to time be amended) for the developable portion of the entire property based on permitted uses under existing zoning equals or exceeds one thousand (1000) trip ends or where the traffic volume during a peak hour equals or exceeds one hundred (100) trip ends, regardless whether the remainder of the property is currently proposed for development unless the zoning administrator shall determine, in writing, that such analysis is unnecessary due to the existence of previous studies and analyses which adequately cover the extent of the proposed development and its traffic impact.
 - (3) Any request for amendment of the zoning map or for a special use permit other than those requests initiated by the commission or board, where the anticipated average weekday twenty-four (24) hour traffic generation, using the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition or as it may from time to time be amended) equals or exceeds one thousand (1000) trip ends or where the traffic volume during a peak hour equals or exceeds one hundred (100) trip ends unless the zoning administrator shall determine, in writing, that such analysis is unnecessary due to the existence of previous studies and analyses which adequately cover the extent of the proposed development and its traffic impact.
 - (4) Any non-residential development which proposes to access a street which is residential in character and classified as a minor collector or lower order street.
 - (5) Any other development proposal which, as determined by the zoning administrator, has a significant potential to cause or aggravate traffic safety or congestion problems and, as such, would benefit from a professional review of proposed access and circulation designs.
- (b) *Special standards and requirements.*
- (1) For any development described in subsection (a) above, a traffic impact analysis, prepared by a transportation engineer or planner, shall be submitted for review and consideration by the county and the Virginia Department of Transportation. A minimum of five (5) copies of such traffic impact analysis shall be submitted to the county at the same time as the initial application for development or zoning approval. Subdivision plats, site plans, rezoning applications, use permit applications, and other development proposals for which a traffic impact analysis is required shall not be deemed to be received until the traffic impact analysis is submitted.
 - (2) The submitted traffic impact analysis shall, unless otherwise approved by the zoning administrator in writing, contain the following information and analysis:
 - a. *Existing conditions summary*—including twenty-four (24) hour volumes, peak periods and peak volumes on adjacent roadways, peak periods and peak volumes of the generator, and peak hour factor(s); roadway geometrics; grades; lateral clearance; heavy vehicle, pedestrian, bicycle, and recreational vehicle percentages; existing lane configurations; traffic control devices and timing plans if signals are present and, if appropriate, level of service analysis.
 - b. *Future conditions summary*—including the horizon (analysis) year(s) and the criteria used in its selection, committed future roadway improvements, traffic growth factors combined with forecasts for adjacent sites to determine future background traffic (both twenty-four (24) hour and peak period), and, if appropriate, level of service analysis, compared with existing conditions.

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- c. *Trip generation and design hour volumes*—including traffic forecast for site development to include twenty-four (24) hour and peak hour volumes both for the traffic generator itself and on adjacent roadways. Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition, or as it may from time to time be amended) rates or equations shall be used unless verifiable local data is available. Any assumptions or adjustments shall be fully documented and, where appropriate, justified with source references provided.
 - d. *Trip distribution and traffic assignment*—including a directional distribution of site traffic to its area of influence based on primary market, analogy, origin-destination, gravity model, or other similar methods. Each step in the process shall be fully and carefully documented.
 - e. *Design year total volumes*—developed for both twenty-four (24) hour and for the peak periods of the generator and on adjacent roadways.
 - f. *Capacity analysis*—including intersection and lane capacity based on the 1994 Highway Capacity Manual as it may from time to time be amended and revised. Where intersections (both signalized and unsignalized) are spaced in such proximity or the volumes are such that the intersection does not operate independently, appropriate progression and queuing analyses performed using a recognized methodology or analysis or simulation package must accompany the capacity analyses.

Capacity analyses shall be prepared for each potential access design scenario. Any assumptions and adjustments to the default values in the 1994 Highway Capacity Manual shall be fully documented and justified. These include, but are not limited to, peak hour factor, average running speeds, and cycle lengths, especially very short or long cycles. All worksheets shall be submitted.

- g. *Traffic accidents and safety analysis*. The distribution and frequency of traffic accidents shall be analyzed and a determination made as to whether any safety deficiencies exist or will be caused or exacerbated. This shall specifically include a safety analysis of all proposed street extensions.
- h. *Traffic improvements*. The recommended roadway and traffic network improvements based on the design hour in the design year shall be shown on a scaled plan sheet with appropriate narrative. Such improvements shall be designed to yield a minimum level of service of "C" as defined by the 1994 Highway Capacity Manual as it may from time to time be amended, supplemented, or revised. Where the existing conditions provide a current level of service (LOS) of less than "C," the improvements shall be designed to at least maintain the current volume to capacity ratio as determined by the methods contained in the 1994 Highway Capacity Manual without further degradation through the design year plus two (2) years. For intersections, the LOS "C" standard shall be met on an average of all movements basis. The developer shall be responsible for implementing the improvements proposed by the traffic study, subject to approval by the Virginia Department of Transportation. A detailed construction cost estimate of the required improvements shall be provided.
- i. *Internal site improvements*. Including the number and width of driveway lanes, the appropriate throat lengths (both unobstructed and with cross traffic permitted) for ingress and egress points, stacking and queuing lanes, pedestrian accommodations, bicycle facilities, and any other facilities or accommodations and any other factor which could impact traffic operations along the adjacent roadways or overall traffic safety, both internal and external. The internal circulation system shall be designed to preclude stacking or queuing in the travel lanes of adjacent roadways during the peak hours of the traffic generator.
- j. *Conclusions*. Including all conclusions of the analyst applicable to the site, particularly with respect to the appropriate timing and phasing of improvements. Timing and phasing must be

clearly tied to identifiable stages of development or specific time frames. Conclusions about the relative safety of the post-development situation shall also be included.

- k. *Summary of findings and recommendations.* An executive summary containing key findings and recommended actions.
- (3) All intersections, commercial entrances, median breaks, pavement markings, driveways, or other roadway features potentially affecting traffic flow located within five hundred feet (500') of the proposed development as well as all intersections and driveways internal to the development shall be considered and either shown or clearly noted on a scaled plan submitted with the traffic impact analysis.

(Ord. No. 08-17(R), 3-17-09)

Sec. 24.1-254. Construction traffic access management.

The zoning administrator shall review specifically and approve all construction entrances and the access routes to such construction entrances. In specifying and limiting traffic access routes to such entrances or the entrances themselves, the zoning administrator shall consider all available or potential access alternatives with the objective of ensuring pedestrian, bicycle and motor vehicular safety within existing or developing residential neighborhoods or other developments characterized by relatively higher levels of pedestrian, bicycle, and vehicular activity. Construction traffic shall be deemed to include, but not be limited to, construction equipment used in site development or building activity, vehicles transporting such construction equipment or construction and building materials, and vehicles transporting persons engaged in site development, construction, or building activities.

Sec. 24.1-255. Transportation demand management.

- (a) All development shall be designed and constructed in a manner which clearly considers the potential need for convenient access by and safety of alternative transportation modes, specifically pedestrian, bicycle, and transit service.
- (b) Developments having or projected to have at least one thousand (1000) average daily trips as determined using actual counts or the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition) and which front and have access to streets classified as major collector and higher, shall dedicate or reserve land for transit operations provided by bus. Where a transit route exists or is scheduled to exist within twelve (12) months, transit provisions including pull-outs and shelters may be required to be constructed as a part of plan approval. Off-street parking requirements may be reduced by five percent (5%) when transit provisions are required to be constructed.
- (c) Bicycle and pedestrian accommodations shall be provided in all developments anticipated to have at least twenty-five (25) employees on any shift or five hundred (500) average daily trips. Such accommodations shall include safe, secure, and convenient pedestrian and bicycle circulation and access, and where required by article VI of this chapter, safe, secure and convenient bicycle parking facilities.
- (d) Where employers adopt and certify their continued support for a Transportation Demand Management program which encourages alternative modes of transportation, such as van pooling and car pooling, bicycle and pedestrian commuting, telecommuting, transit subsidy, or other techniques, a credit may be granted by the zoning administrator of up to twenty-five percent (25%) of the required off-street parking expected to be utilized by employees. To obtain credit for bicycle and pedestrian commuting programs, employee showers and lockers must be provided. Additionally, for bicycle credits, some form of secure, safe and enclosed bicycle parking must be available. The developer shall document the commitment to Transportation Demand

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Management measures and submit, in writing, the Transportation Demand Management plan together with an inventory of the number of employees and the number of parking spaces for employees.

- (e) The maximum credit which may be given the Transportation Demand Management programs in concert with other credits is thirty-five percent (35%) of the required off-street employee parking requirements plus ten percent (10%) of the customer or patron spaces. The identification and documentation of the space utilization shall be the responsibility of the developer.
- (f) Where off-street parking credit is given, a land area sufficient to construct fifty percent (50%) of the spaces for which parking credit has been given must be reserved in case the use or orientation changes and the spaces are required.

Sec. 24.1-256. Vehicular and pedestrian access and circulation standards.

Vehicular and pedestrian access and circulation systems on a development site shall be designed in accordance with the following standards:

- (a) Vehicular access to the site and circulation within the site shall be designed to promote pedestrian, bicycle and motor vehicular safety, to aid overall traffic flow, to provide for safe and efficient ingress and egress, and to minimize access points to the off-site transportation systems. On-site circulation systems, including parking areas, shall be designed to minimize headlight glare onto adjacent rights-of-way.
- (b) Driveway design and placement shall be such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined in accordance with the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition, as it may from time to time be amended) or by a traffic impact analysis prepared specifically for the development.
 - (1) Driveways shall be spaced at least fifty feet (50') apart. Where such spacing requirements cannot be readily achieved, joint access with an adjoining parcel shall be encouraged.
 - (2) The minimum distance between the property line of a parcel and the nearest edge of the nearest driveway to that property line shall be twenty-five feet (25'), except however, driveways which provide joint access to more than one parcel, or which may reasonably be expected to do so in the future, may be located on the property line or within twenty-five feet (25') of the property line.
- (c) There shall be sufficient on-site queuing area to accommodate at least five percent (5%) of the total traffic volume entering and exiting the site during the peak hour of the use based on the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition, as it may from time to time be amended) without using any portion of the street right-of-way or in any other way interfering with street traffic.
- (d) Bikeways shall be constructed within and between developments and along roadways in conformance with the routes and guidelines contained in the comprehensive plan.
- (e) Sidewalks providing for safe and convenient internal pedestrian access between parking areas, buildings and public areas as well as access to abutting public property or shopping centers shall be provided for all development except individual single-family detached residential structures. The minimum width for sidewalks connecting to abutting property shall be six feet (6') and the sidewalk shall be located within an easement or on commonly owned property no less than eighteen feet (18') in width. Sidewalks shall have beginning and ending points providing appropriate access to sites and the ability to make connections with similar facilities on the abutting property. Developers are encouraged to extend sidewalks onto the adjacent shopping center or public site to connect with

sidewalks located on those sites. Maintenance of the sidewalk shall be required and a plan for maintenance shall be submitted to and approved by the zoning administrator.

Sec. 24.1-261. Public service facility standards.

- (a) *Refuse and recyclables collection.* Dumpsters, or an alternate method of collection for recyclables and for nonrecyclable refuse approved by the zoning administrator, shall be required for mobile home parks and for multi-family, commercial and industrial developments. The following standards shall apply:
- (1) Dumpsters or other approved collection receptacles shall be located on a site so that service vehicles will have convenient and unobstructed access to them. The location shall be such that encroachment by service vehicles upon bicycle and pedestrian ways, parking spaces, or vehicular circulation drives will be minimized. Dumpsters shall not be located closer than fifty feet (50') to any residential structure nor closer than twenty feet (20') to any non-residential structure.
 - (2) Dumpsters or other approved collection receptacles shall be screened from both on-site and offsite views by wooden or masonry fencing, supplemented by landscaping. Building walls may serve as part of the required screening. The enclosure shall be gated or otherwise configured to ensure that the dumpster is not visible from any adjoining public rights-of-way, adjoining properties or from any areas on the site which are normally accessible by residents, customers or the general public.
 - (3) Where dumpsters are to be utilized, dumpster pads, constructed in accordance with all applicable health department standards for construction and drainage, shall be provided.
- (b) *Emergency services.* The following design standards are intended to ensure that emergency services can be delivered effectively and efficiently should the need arise:
- (1) All buildings, and all portions thereof, on a site shall be readily accessible to emergency vehicles and apparatus. Where two or more principal buildings are proposed on the same parcel, the distance between any two such buildings shall be sufficient to ensure convenient emergency access and to comply with all applicable fire separation standards prescribed by the Uniform Virginia Statewide Building Code. Circulation routes, driveways, parking lot aisles and other vehicular circulation areas shall be designed and arranged so as to provide for convenient access and operation of emergency services apparatus. Permanent obstruction or closing of existing access routes shall require specific approval of the fire chief prior to being authorized.
 - (2) Any single-family detached residential structure constructed after the date of adoption of this subsection and located more than 150 feet from the edge of pavement of a public street or highway shall be subject to the following emergency access and site design standards:
 - a. The structure shall be served by an access drive not less than twelve feet (12') in width and capable of supporting fire and rescue vehicles and apparatus. Such driveway shall be bordered by two-foot (2') wide compacted shoulders. Such shoulders need not be constructed of the same material as the driveway but shall be sufficient to ensure the stability of the driveway when it is traversed by fire and rescue apparatus and vehicles.
 - b. The access drive shall be an all-weather surface (concrete, asphalt, gravel, or other approved material) capable of supporting the weight of large fire and rescue apparatus up to 80,000 pounds (gvw).
 - c. The access drive shall be maintained with an unobstructed horizontal clearance of sixteen feet (16') and unobstructed vertical clearance of thirteen feet six inches (13'6").
 - d. The access drive shall extend to at least the front of the building or one side (as determined by the Department of Fire and Life Safety). On properties where the structure has a floor area in

excess of 4,500 square feet or where the height of the ridgeline or highest part of the roof exceeds thirty-five feet (35') the access drive shall include an apparatus parking/operations area pad at least twenty feet (20') in width. The exact location and length shall be determined during the site layout plan review process. Turnarounds of a size and configuration necessary to accommodate the apparatus likely to respond to an incident, as determined by the Department of Fire and Life Safety, shall be required where the access drive exceeds two hundred feet (200') in length and may also be required for shorter access drives based on the site layout plan review and any unique site characteristics.

- e. When the structure has a floor area in excess of 4,500 square feet or where the height of the ridgeline or highest part of the roof exceeds thirty-five feet, the site shall be designed such that the entire perimeter of the structure shall be within 150' of the access drive.
- f. Where fire hydrants are installed along access drives, turnouts shall be installed at each hydrant location. Turnouts shall be forty feet (40') in length (twenty feet (20') on either side of the hydrant) and the combined width of the driveway and turnout shall be a minimum of twenty feet (20').
- g. The intersection of the access drive and the public street to which it connects shall be designed with a minimum turning radius of thirty-three feet (33') (taking into consideration the entire width of the roadway) unless otherwise approved by the Department of Fire and Life Safety.

Building plans and a site layout plan (both to scale) shall be submitted for review and approval by the Department of Fire and Life Safety to ensure appropriate accessibility around the structure for firefighting/rescue operations by fire and rescue personnel and apparatus and vehicles where appropriate. The site layout plan shall include a cross-section and description of construction materials and methods for the proposed driveway.

- (3) An adequate water supply for firefighting must be ensured through compliance with the provisions of the county's water construction standards.

(Ord. No. 06-19(R), 7-18-06; Ord. No. 10-1(R), 1-19-10; Ord. No. 11-15(R), 11-16-11)

Sec. 24.1-283. Home occupations permitted by special use permit.

The board may authorize, by special use permit issued in accordance with all applicable procedural requirements as set forth in article I, the following and materially similar types of home occupations subject to the specified conditions:

- (a) Home occupations permitted under section 24.1-282 which generate a parking demand for three (3) or more parking spaces, and those occupations permitted under section 24.1-282(b) in residential districts other than those specified.
- (b) Home occupations with on-premises retail sales, or personal services, or customer/client contact.
 - (1) Uses which may be authorized under this section shall include barber and beauty shops, antique shops, bicycle rental, rental of rooms for nontransient use, day care for more than four (4) children, in-home professional offices with customer or client contact, firearms sales, and other materially similar activities and land uses involving on-premises retail sales, customer contact, and personal services. These provisions shall also apply to catering operations conducted in accordance with section 29.5 of the Rules and Regulations of the Board of Health of the Commonwealth of Virginia provided, however, that food preparation that is conducted from the structure's standard residential kitchen for off-premises sale and consumption and that does not

involve any on-site customer contact or non-resident employees shall not be deemed to require a special use permit.

- (2) All public contact related to such use shall be limited to the period between 8:00 a.m. and 8:00 p.m., Monday through Saturday, unless otherwise specified by the board.
 - (3) Off-street parking shall be provided in accordance with the applicable standards established in article VI for business and commercial uses. Such spaces shall be in addition to those otherwise required for the residential use of the property, and shall be no less than ten feet (10') from any property line, unless on an existing driveway, and shall be effectively screened from view of adjacent properties and street rights-of-way by landscaping supplemented, if necessary, by fencing.
 - (4) The type and extent of items to be displayed, stored or sold, or personal services to be offered on the premises shall be specifically stipulated by the board in authorizing any such use permit. In no case shall the area devoted to sales, storage, display or conduct of such home occupation exceed twenty-five percent (25%) of the floor area of the residence or such smaller area as may be stipulated by the board.
 - (5) Such use shall comply with all applicable requirements for home occupations as established in section 24.1-281 of this chapter.
- (c) Small contracting businesses operated as home occupations in the RC, RR and WCI district.
- (1) For the purpose of this section, small contracting businesses shall be deemed to include businesses engaged in construction and repair of buildings; installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling; landscaping; and other such uses deemed by the zoning administrator to be similar in terms of type, scale and impact. This section shall not be construed to necessitate a use permit for offices of such businesses as authorized and conducted in accordance with the provisions established in sections 24.1-281 and 24.1-282 nor shall this section be construed to provide opportunities for business operations which involve on-site manufacturing of products or materials utilized in the conduct of such business.
 - (2) All structures, parking and loading areas, and storage areas associated with such use shall be located at least one hundred feet (100') from any lot line. Such setback and buffer area shall be landscaped and fenced in order to provide immediately a Type 50 transitional buffer.
 - (3) Not more than two (2) vehicles and pieces of equipment associated with the operation of a business shall be operated from the site or stored there overnight, unless a greater number is deemed appropriate and is authorized by the board of supervisors in conjunction with consideration of a special use permit application. Small transportable equipment including lawn mowers; chain saws; power hand tools; table, band or radial arm saws; and similar items shall not be included in such a determination.
 - (4) Unless otherwise stipulated by the board in granting a special use permit, the areas covered by all structures used primarily in connection with such uses shall not exceed a total of one thousand five hundred (1,500) square feet.
 - (5) Unless otherwise stipulated by the board in granting a special use permit, the area covered by any outdoor storage associated with such use shall not exceed a total of one thousand (1,000) square feet.
 - (6) All parking, loading and storage associated with such use shall be screened effectively from view from adjacent properties by landscaping and appropriate wooden or masonry fencing materials.

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- (7) The board shall find and determine that the proposed small contracting business is not likely to generate traffic, including commercial delivery vehicles, in greater volume than would normally be expected in the district in which it is located.
 - (8) The board shall find and determine that the proposed small contracting business is not likely to create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the district in which it is located.
- (d) Docking workboats and off-loading seafood as a home occupation in RR and RC districts.
- (1) Such uses may be authorized only on property which is classified RC or RR. The docking of workboats, off-loading of seafood, and the conduct of a waterman's operation shall be limited to occupants of the premises who are engaged in commercial fishing or the harvesting of seafood from open waters using traditional methods such as lines, nets, crab-pots, tonging or dredging. Uses which involve aquaculture methodologies including but not limited to the propagation, rearing, enhancement and harvest of aquatic organisms (including but not limited to shellfish) in controlled or selected environments pursuant to a license for on-bottom shellfish aquaculture from the Virginia Marine Resources Commission shall not be eligible for consideration under these provisions. Such uses shall, for the purposes of this chapter, be considered to be aquaculture and shall be permitted in accordance with the listings set forth in section 24.1-306, Table of Land Uses, of this chapter.

The above provisions notwithstanding, Special Use Permit authorization shall not be required for traditional waterman activities (commercial fishing, harvesting seafood from open water using traditional methods) conducted in a manner and from property complying with the terms applicable to commercial aquaculture set forth in section 24.1-414.3.

- (2) No admission, dockage, or wharfage fees shall be charged.
- (3) On-premises wholesale or retail sale of seafood shall be prohibited.
- (4) Outdoor storage of goods, equipment, or materials (other than the workboat itself) shall be limited to a total of one thousand (1,000) square feet and shall not be located in any front or side yard, or within twenty feet (20') of any property line. Any equipment or storage located on the property shall be screened from view from all public streets and adjacent properties by a landscaped buffer area supplemented, if determined necessary by the zoning administrator or the board at the time of permit approval, by masonry or wooden fencing material. In its approval of a special use permit, the board may limit outdoor storage to less than one thousand (1,000) square feet or may require a setback greater than twenty feet (20') if deemed necessary based on the characteristics of the subject site or its surroundings.
- (5) Repair of workboats shall be limited to routine maintenance, which may include:
 - a. minor tune-ups;
 - b. change of oil and filters;
 - c. washdown and drainage of workboats;
 - d. winterizing (draining lines, etc.);
 - e. other customary routine repairs or maintenance.
- (6) All federal, state and local requirements for docking facilities shall be met and the necessary permits obtained prior to the issuance of a building permit for docks, piers, or boat houses.

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- (7) The workboats and seafood unloading operations shall be conducted in such a manner as to prevent potentially offensive odors from being produced. No overnight storage of seafood waste shall be permitted on the property.
 - (8) Any outdoor or security lighting shall be shielded so that glare is not directed onto adjacent property.
 - (9) The number of workboats docked at the property shall not exceed the capacity of the pier or boat house. The "rafting" of boats shall not be permitted.
 - (10) No heavy trucks shall be permitted to operate from the property.
 - (11) Any demand for parking generated by the conduct of such use shall be accommodated off the street.
 - (12) The storage and utilization of toxic substances shall be limited to types and quantities that would customarily be utilized or stored for residential use. Any storage or utilization of combustible, toxic, or flammable substances shall be in accordance with the National Fire Prevention Code.
 - (13) The board shall, on a case-by-case basis, review and impose such other conditions as it deems necessary and appropriate to assure that the use will be compatible with, and will not adversely impact, adjoining properties and the environment of the area. Such conditions and restrictions may include:
 - a. hours of operation;
 - b. number of workboats permitted to use the private residential pier or dock;
 - c. a requirement to prepare a water quality impact assessment;
 - d. additional screening or landscaping requirements for outdoor storage areas and equipment.
- (e) Home occupations with non-resident employees.
- (1) All home occupation categories whether permitted as a matter of right or by special use permit under section 24.1-282 and 24.1-283 may be authorized under this section to include one (1) or more non-resident employees. The allowable number of non-resident employees shall be specified in the use permit approval.
 - (2) Evaluation of this allowance shall be based on the general provisions of section 24.1-281 and applicable requirements as set forth in section 24.1-283.
- (f) Enlargement or expansion of permitted home occupations.
- (1) The board may authorize by special use permit issued in accordance with the procedures stipulated in article I, enlargements or expansion of home occupations permitted in sections 24.1-282 and 24.1-283.
 - (2) The board shall find that the overall spirit and intent of section 24.1-281 will not be violated by the issuance of a special use permit authorizing an enlargement or expansion and may attach any conditions deemed necessary to ensure such compliance.

(Ord. No. 098-18, 10-7-98)(Ord No. 01-20(R), 10-16-01; Ord. No. 05-13(R), 5-17-05; Ord. No. 08-17(R), 3-17-09; Ord. No. 14-20(R), 10-21-14; Ord. No. 14-20(R), 10-21-14; Ord. No. 15-14, 11-17-15; Ord. No. 17-12, 9-19-17)

Sec. 24.1-327. YVA—Yorktown village activity district.

- (a) *Statement of intent.* The YVA district is intended to:

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- (1) Recognize Yorktown which, because of its national and international significance, its unique development history and the interrelatedness of historic, residential and commercial land uses, warrants the application of a special approach to further development; and
 - (2) Recognize and implement the Yorktown Master Plan as an overall guide to the future redevelopment of Yorktown; and
 - (3) Provide development opportunities for a variety of land uses which will contribute to and complement the unique character and village atmosphere of Yorktown; and
 - (4) Promote economical and efficient land use, an improved level of amenities, innovative design, and unified development; and
 - (5) Encourage pedestrian and bicycle-scale development in Yorktown and make the community more amenable to pedestrians and bicyclists.
- (b) *Special procedural requirements.*
- (1) The use of any land or building within the YVA district on the date of the inclusion of such property in the district may either continue to be used for its then existing purpose or may thereafter be changed, but only in accordance with all applicable regulations, to accommodate any of the land uses listed in section 24.1-327(c), any provisions of article VIII, Nonconforming Uses, of this chapter to the contrary notwithstanding.
 - (2) Any proposed new use, other than single-family detached dwellings, or any subdivision of land, shall be approved only by the board of supervisors in accordance with the procedures for special use permits in section 24.1-115 of this chapter. Permitted land uses shall be those listed in section 24.1-327(c).
 - (3) With the exception of single family detached dwellings, the proposed enlargement or extensions of any use in this district which would result in an increase of less than twenty-five percent (25%) in either total lot coverage or floor area may be authorized, without public hearing, by resolution of the board. Proposed enlargement or expansion of any use, other than a single-family detached dwelling, that would result in an increase of twenty-five percent (25%) or more in either total lot coverage or floor area shall be subject to approval in accordance with the procedures for special use permits.
 - (4) Proposed changes in use of land, buildings or structures within the district may be approved by the zoning administrator upon a determination that the proposed new use is similar in type, size, scope and intensity to the previous use and that it is one of permitted uses listed in subsection (c) below. Where, in the opinion of the zoning administrator, such similarities do not exist, the proposal shall be subject to review and approval in accordance with the procedures for special use permits specified in section 24.1-115 of this chapter.
 - (5) The construction of new single-family detached dwellings, or the enlargement of existing single-family detached dwellings, shall be permitted as a matter of right provided that the proposed location is not within one of the areas specifically designated for commercial development by the adopted Yorktown Master Plan and that the following setback and dimensional requirements are observed, and provided that all applicable requirements and procedures set out in the Yorktown Historic District Overlay (Section 24.1-377) are observed.

Front Yard	Twenty-five feet (25')
Side Yard	Ten feet (10'), five feet (5') for accessory buildings
Rear Yard	Twenty feet (20'), five feet (5') for accessory buildings
Building Height	Thirty-five feet (35')

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- (6) Applications for approval of new single family detached residences, or additions to existing single family detached residences, which do not comply with the above noted minimum dimensional standards shall be referred to the Planning Commission and Board of Supervisors in accordance with the same procedures applicable to requests for special use permits.
 - (7) Any proposed subdivision of a lot or parcel in the YVA District shall be referred to the Planning Commission and Board of Supervisors for review and action in accordance with the same procedures applicable to requests for special use permits.
- (c) *Permitted uses.* The following uses may be permitted within the YVA district subject to a determination by the zoning administrator or board, as prescribed in subsection (b) above, that the use in the location proposed is substantially in conformance with the Yorktown Master Plan:
- (1) Dwellings, single-family detached, attached, or multi-family; also including structures designed to accommodate both residential and commercial uses.
 - (2) Churches and other places of worship.
 - (3) Office space for doctors, lawyers, accountants, architects or similar professions and general business offices such as those of insurance companies, trade associations, real estate companies, banks and financial institutions or similar establishments.
 - (4) Retail trade and business uses consistent with the character of the district and the surrounding area including such uses as:
 - a. gift shops;
 - b. sit-down restaurants; or
 - c. specialty shops catering to the local and tourist market.
 - (5) Art galleries, museums, tourist centers, community centers, performing or cultural arts centers, libraries, and similar types of uses intended to promote cultural resources.
 - (6) Publicly owned uses such as offices, court houses, fire stations, parking facilities, parks, playgrounds, and schools.
 - (7) Guest houses, bed and breakfast establishments.
 - (8) Hotels, motels.
 - (9) Personal service uses consistent with the character of the district and the surrounding area including such uses as:
 - a. beauty and barber shops;
 - b. day care facilities; or
 - c. drug stores.
 - (10) Recreationally oriented waterfront businesses and establishments providing covered or uncovered boat slips or dock space, minor repairs or servicing, marine fuel and lubricants, marine supplies, refreshments, and similar goods or services.
 - (11) Commercial parking facilities.
 - (12) Uses and structures which are customarily accessory and clearly incidental and subordinate to any of the uses specifically permitted above.

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- (d) *General dimensional, density and design requirements.* Other provisions of this chapter notwithstanding, development within the YVA district shall be subject to the following requirements:
- (1) All development within the YVA district shall be served by public water and public sewer systems.
 - (2) There shall be no minimum lot size, minimum lot width or minimum lot frontage requirements within the YVA district provided, however, that in its approval of a proposed subdivision or land use, the board may establish such requirements as it deems necessary to ensure that the arrangement of the proposed use or division of land is compatible with the district in general.
 - (3) With the exception of the minimum requirements specified for single-family detached dwellings in section 24.1-327(b)(5), there shall be no minimum front, side or rear yard requirements for developments within the YVA district provided, however, that yards and setbacks of an appropriate dimension shall be provided where determined necessary by the board to ensure adequate emergency access, light, and air, to protect the value and utilization of the subject property and adjacent property, and to maintain and enhance the character of the surrounding area.
 - (4) The maximum residential density permitted in any development proposed in this district shall be ten (10) units per gross acre.
 - (5) Commercial and other non-residential uses permitted under the terms of this section shall be limited in lot coverage and floor area only to the extent that all such uses shall comply with the open space, height, fire separation, emergency access, and parking and loading requirements specified herein.
 - (6) With the exception of single-family detached dwellings which shall be limited to thirty-five feet (35') in height, the height of any structure, including fixtures and mechanical systems, within the YVA district shall not exceed twenty-five feet (25') above the average finished ground elevation adjacent to the front of such structure provided, however, that the board, in recognition of unique topographical features, may require a lower maximum height in order to preserve and protect existing scenic views or may authorize a greater height after an evaluation of the character of the surrounding area, the spatial relationships of existing developments, the specific architecture proposed and the potential impacts on any scenic views or vistas.
- (e) *Open space and recreational area requirements.*
- (1) A minimum of twenty-five percent (25%) of the total area of any development within the YVA District shall be reserved as landscaped open space or improved open air pedestrian plazas or courts unless a smaller percentage is approved by the board in consideration of special or unique characteristics of the proposed development.
 - (2) In the case of residential developments, recreation space, as defined below, shall be provided at a ratio of two hundred (200) square feet per dwelling unit unless a lesser amount is authorized by the board in consideration of circumstances unique to the particular development proposal. For the purposes of this section, recreation areas may include private patios, balconies or yard areas adjacent to individual dwelling units; or, common recreation space, either indoor or outdoor, which is available to all residents of the development.
 - (3) Any common open space and recreational areas provided to meet the requirement above shall be protected by appropriate covenants developed in accordance with the provisions established in article IV-division 17 that are designed to ensure their perpetuation and maintenance.
- (f) *Special submission requirements.*
- (1) At the time of application for approval of a development proposal within the YVA district, the developer shall submit the following plans. Where a proposed development is subject to review and approval by the Historic Yorktown Design Committee (HYDC) in accordance with the terms of section

24.1-377, the review and action of the HYDC, if applicable, shall be secured before submitting the proposal for YVA district review by the board of supervisors:

- a. A plan for accommodating the pedestrian, bicycle, automobile, and trolley traffic, parking and loading demands which the development can be expected to generate. The plan shall be prepared by a transportation engineer, unless otherwise authorized by the zoning administrator, and shall be fully documented as to approach, methodology, and data collection, manipulation and analysis.

Such plan may include provisions for public or private off-site parking as well as onsite parking and shall include consideration of pedestrian, bicycle, and transit access. The zoning administrator or the board shall review the plan as to its suitability and feasibility for accommodating the traffic and parking demands of the proposed development.

Where the required parking spaces are proposed to be accommodated by an off-site or transit-oriented arrangement, an appropriate agreement between and among the involved parties and the county, suitable in form and content to the county attorney, shall be executed in order to provide a guarantee that such parking facilities will be available for the total period the use or uses for which the parking is required are reasonably expected to exist.

- b. An overall signage plan, including rendered drawings, for the proposed development. Such plan shall provide for unified and appropriately scaled and located signage and shall have been developed in accordance with the dimensional requirements specified in the Yorktown Design Guidelines and shall have been reviewed by the HYDC.
 - c. A landscaping plan which specifies the type, size and location of landscaping proposed in conjunction with open space, recreation areas, courts/plazas, or other such amenities.
 - d. Elevations or architectural renderings as well as descriptions of materials or colors to be used in the proposed development, all of which shall have been reviewed by the HYDC.
- (2) Such plans as required above, once approved, shall become part of the conditions of approval for the project and shall not be deviated from except upon specific approval of the board or the zoning administrator, depending upon which gave original approval.

(Ord No. O97-17, 6-4-97; Ord. No. O99-16, 12-1-99; Ord. No. 04-6, 4-6-04; Ord. No. 05-13(R), 5-17-05)

Sec. 24.1-361. PDR—Planned development—Residential district.

- (a) *Statement of intent.* The PD—Residential district is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for a variety of compatible land uses. Specifically, the district is intended to:

- (1) ensure ample provision and efficient use of open space;
- (2) promote high standards in the layout, design and construction of development;
- (3) promote development of superior projects or communities; and
- (4) achieve a mixture of uses and types of uses when appropriate.

In addition, in accordance with the objective of the board to promote and encourage a more moderately-priced single-family detached housing product within the county, the planned development—residential district is intended to provide opportunities, through application of the affordable housing incentive provisions set forth herein, for the consideration of project proposals having a less extensive open space, recreation space, and amenities package, but which offer cost-containment measures which may not be otherwise available.

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- (b) *Application of district designation.* A PDR district may be located within any of the areas of the county designated for residential uses by the comprehensive plan subject to establishment in accordance with the procedures set forth in this section. In addition, PDR applications proposing senior housing, exclusively, may be considered in areas designated for commercial uses by the comprehensive plan.
- (c) *Permitted land uses.* The land uses within any planned development shall be substantially in accordance with the land use designation in the comprehensive plan. Subject to specific authorization by the board, the following land uses shall be permitted:
- (1) Dwellings: single-family detached, attached, or multi-family including mixtures thereof.
 - (2) Senior Housing, as defined in this chapter (i.e., Independent Living, Congregate Care, Assisted Living, or Continuing Care Retirement Communities) and in accordance with the performance standards established in Section 24.1-411 unless specifically modified by the board at the time of approval of the proposed development.
 - (3) Public and semi-public uses such as churches, schools, offices, libraries, fire stations, parks, playgrounds, golf courses, swimming pools, tennis courts, recreational marinas, community centers, and similar types of uses.
 - (4) Commercial and retail uses which are designed, located and scaled in proportion to the overall size of the planned development and located so as to be internally-oriented. Unless otherwise authorized by the board of supervisors at the time of PDR approval, commercial uses shall be limited to those allowed either as a matter of right or by special use permit in the NB and LB zoning districts. Any use indicated in the NB or LB district as requiring a Special Use Permit shall require the same in a PDR district unless the use is specifically authorized in the initial PDR approval.
 - (5) Uses and structures which are customarily accessory and clearly incidental and subordinate to any of the uses permitted above.
- (d) *General dimensional, density and design requirements.*
- (1) All development within the PDR district shall be served by public water and public sewer systems.
 - (2) The minimum area of any tract, or combination of contiguous tracts, of land proposed for development as a PDR shall be five (5) acres. Additional adjoining acreage may be added to an approved PDR provided that all procedures applicable to the creation of such a district are observed.
 - (3) The maximum development density for a PDR development shall be generally consistent with the density envisioned by the adopted comprehensive plan for the area in which located. The board may, however, approve density increases as a part of the PDR approval and, in the case of Senior Housing developments, may consider density allowances of up to twenty (20) units per acre.
 - (4) The following dimensional standards shall be observed unless specifically modified by the board (either upwards or downwards) at the time of district approval:
 - a. Minimum lot area: none
 - b. Minimum lot width:
 1. single-family detached: forty-five feet (45')
 2. single-family attached: twenty feet (20')
 3. non-residential: seventy feet (70')
 - c. Minimum yard requirements:
 1. The minimum distance between any two principal buildings or structures shall be twenty feet (20'), except in senior housing developments where it shall be thirty (30) feet;

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2. The minimum distance between any principal building and an accessory building, or between any two accessory buildings, shall be ten feet (10').
 3. The minimum distance between any principal or accessory building and any public or private street right-of-way or common area boundary line shall be thirty feet (30').
 4. The minimum setback from any external property line shall be twenty feet (20').
- d. Maximum building height:
1. Residential structures shall not exceed forty feet (40').
 2. Non-residential structures shall not exceed fifty feet (50').
- (5) The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to the existing or prospective development of the neighborhood.
- (e) *Open space and recreation area requirements.*
- (1) Unless specifically excepted in accordance with the criteria established in section 24.1-361, a minimum of twenty-five percent (25%) of the total gross area of any PDR development shall be reserved as open space designed and improved or maintained for use by those who live or work within the development or other persons or groups as the property owners association may allow. Golf courses may be counted as open space for the purpose of meeting this requirement up to a maximum of thirty percent (30%) of the required residential area open space.
 - (2) Unless specifically excepted in accordance with the criteria established in section 24.1-361(g), an area equal to a minimum of ten percent (10%) of the total gross area of the residential portions of any PDR development shall be reserved and developed specifically as a recreation area, or areas, set aside for the common use of the residents of the planned development. The required recreation space shall be considered part of the twenty-five percent (25%) open space reservation required in subsection (e)(1), above.
 - (3) Unless otherwise excepted by the board, recreation areas shall be provided in accordance with the following standards and such others as the board deems appropriate:
 - a. The recreation area reserved shall be in one centrally located contiguous parcel and be suitable to accommodate a combination of active and passive recreational activities appropriate for the residents of the development. However, depending upon the size and scope of the development, recreation areas may be set aside in two or more parcels in order to improve the accessibility of such recreation areas from all housing units in the development.
 - b. The recreation area shall be easily and safely accessible by pedestrians and bicyclists from all areas of the development to be served, shall have good ingress and egress, including separate pedestrian and bicycle accommodations, and shall have adequate frontage on a platted road; however, no platted road shall traverse the recreation area.
 - c. The recreation area reserved shall be located so that essential utilities including water, public sewage, and power will be easily accessible to serve planned and potential future recreational facility development.
 - d. The recreation area shall be free of fuel, power, or other transmission lines and rights-of-way.
 - e. At a minimum and unless the market orientation (as evidenced by restrictive covenants or other document deemed sufficient by the board) clearly dictates otherwise, the following "core recreation facilities" shall be constructed:
 1. *Swimming pool*: to be configured to permit both recreational and competitive (25 or 50 meters in length, minimum depth of 1.25 meters in lanes) swimming with associated

restroom facilities, deck area, and adjacent fenced-in grassy open space usable for sunbathing, volleyball, etc. The minimum size of the required swimming pool shall be related to the number of dwelling units in the development proposal as set forth in the table below:

DWELLING UNITS	WATER SURFACE AREA	FENCED-IN GRASSY OPEN SPACE	PARKING SPACES
200-399	3,500 ft ²	17,500 ft ²	30
400-599	4,000 ft ²	22,500 ft ²	35
600-799	4,500 ft ²	27,500 ft ²	40
800-999	5,000 ft ²	32,500 ft ²	45
1,000+	5,000 ft ² plus 5 ft ² /dwelling unit in excess of 999	32,500 ft ² plus 30 ft ² /dwelling unit in excess of 999	45 plus 1 space/15 dwelling units in excess of 999

2. *Tennis courts*: two (2), all-weather hard surface, fenced and color coated.
 3. *Playground and picnic facility*: combined facility
 4. *Multi-purpose activity field*: open grassy area, minimum one (1) acre, generally rectangular in shape, graded on a true plane at one to two percent (12%)
 5. *Pedestrian and bicycle facilities* which provide safe and convenient circulation to the recreation area from throughout the community and including appropriate bicycle parking accommodations.
- f. Other recreational facilities offering the same or greater recreational and fitness value may be proposed in lieu of the above.
- g. In approving a PD, the board may require that additional facilities be provided for the residents of the community.
- (4) With approval of the board, the minimum amount of land required for recreation area may be reduced in order to compensate for reservation of waterfront property which has added recreational value, provided, however, that the recreational value of the waterfront property must, in the opinion of the board, be at least equal to the recreational value of non-waterfront land (meeting all of the above standards) which could have otherwise been set aside for a recreation area. In this regard, recreation acreage reduction is not to be granted based on the size or value of the water body, but on the recreational value of the waterfront property itself. No more than a twenty-five percent (25%) reduction may be granted for waterfront property.
- (5) Common open space (including the recreation area) as required above shall be protected by appropriate restrictions or other methods, developed in accordance with the provisions established in article IV-division 17 of this chapter, and designed to ensure perpetuation and maintenance.
- (f) *Special design requirements.*
- (1) To the extent that streets are private rather than public, the developer shall submit assurances satisfactory to the board that a properly constituted property owners association will be responsible for the perpetuation and maintenance of such streets. Such assurances shall be developed in accordance with the provisions of article IV-division 17 of this chapter.

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- (2) Private streets shall be designed and constructed in accordance with the criteria prescribed by the Virginia Department of Transportation for the particular functional classification of the street, or, in the event the developer proposes an alternate design, to such other specifications as are approved for use by the board in consideration of the anticipated function and character of such street.
 - (3) The entire development shall be served by safe and convenient pedestrian and bicycle facilities which form a logical circulation system and have connections to planned, or anticipated facilities outside the development.
 - (4) The board may impose such other conditions as it deems necessary on any development proposed under the terms of this section in recognition of any unique circumstances surrounding the particular proposal or the area in which it is proposed, and in order to ensure the protection of the health, safety and general welfare of the public and the preservation of property values.
- (g) *Affordable housing incentive provisions.* In recognition of the objectives established in the comprehensive plan with respect to promotion and encouragement of a more moderately-priced single-family housing product, the following standards and criteria, to be known as the "Affordable Housing Incentive Provisions," are hereby established:
- (1) Where a developer proposes the construction of a planned development project, all or a portion of which will consist primarily of detached dwelling units approved by the board in recognition of their potential for price moderation (i.e., below market average prices) such project may be submitted for consideration by the commission and the board in accordance with the following minimum design criteria, notwithstanding any provisions to the contrary set forth elsewhere in the PDR regulations:
 - a. Where the individual residential lots within a planned development are proposed to be at least seven thousand five hundred (7,500) square feet in area, the twenty-five percent (25%) common open space and recreation space ratio otherwise required herein may be reduced or eliminated upon recommendation of the commission and subject to approval by the board. Where individual lots are proposed to consist of less than seven thousand five hundred (7,500) square feet in area, common open space and recreation space shall be provided within the development at a minimum ratio of four hundred (400) square feet per lot.
 - b. Where required common open space is reduced or eliminated by virtue of all the lots being at least seven thousand five hundred (7,500) square feet in area, as permitted above, there shall be no requirement for reservation and development of specifically designated recreation space.
 - c. Where common open space is required to be provided, a minimum of two hundred (200) square feet per lot shall be contained in a designated recreation space designed generally in accordance with the terms of section 24.1-361(e)(3), however, the specific requirements for core facilities shall be waived.
 - (2) In accordance with the affordability objective of these provisions, the maximum floor area of single-family detached dwelling units proposed for construction shall not exceed one thousand two hundred (1,200) square feet of living space unless, however, the board specifically approves a greater maximum floor area in recognition of evidence of equivalent price-containment features or characteristics. This maximum living space floor area standard shall not be deemed to preclude future owner-initiated improvements or additions provided that such additions are constructed in accordance with all applicable minimum yard and setback requirements. For the purposes of this section, garages shall not be considered as finished living space.
 - (3) The maximum ratio of living space floor area to lot area for housing units proposed under these affordable housing provisions shall be sixteen percent (16%) unless a greater ratio is specifically authorized by the board of supervisors.

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- (4) The developer's intent to limit the project to more affordable, as determined by the board, single-family detached dwelling units, or such other dwelling units as may be approved by the board, shall be evidenced by submission of proposed restrictive covenants to that effect at the time of application for approval of a project in accordance with the affordable housing incentive provisions. Such covenants shall be approved by the board after having been reviewed and approved by the county attorney with respect to form. Such covenants shall be recorded at the time of final plat recordation.
 - (5) All developments constructed under these provisions shall be served by public streets and utilities.
 - (6) The entire development shall be served by safe and convenient pedestrian and bicycle facilities forming a logical circulation system and shall be designed to accommodate public transit buses and other public transportation conveyances as may be deemed appropriate by the board.
- (h) *Standards for nonresidential uses within the PDR district.*
- (1) In reviewing the nonresidential portions of a PDR, the board shall determine that those sections have been designed to promote harmonious relationships with surrounding, adjacent, and nearby properties, especially those external to the PDS. To this end, special consideration should be given to landscaping and buffering which promotes a park-like character.
 - (2) Nonresidential portions of a PDR which are located adjacent to property external to the development shall have a Transitional Buffer established along the external property line based on the uses to be established thereon. This shall be based on the least intensive zoning district in which the subject use is permitted as a matter of right. At a minimum, a landscaped infiltration yard shall be established along the external property line. The infiltration yard shall be no less than twenty feet (20') in width if adjacent to a street right-of-way or ten feet (10') in width elsewhere.
 - (3) In general, the design standards of the LB district shall be utilized for non-residential portions of a PDR where the underlying land use designation in the comprehensive plan is residential or conservation. The board shall evaluate the appropriateness of those design standards at the time of approval of a PDR and may modify or supplement them as deemed appropriate.
 - (4) To promote a park-like character within the nonresidential portions of the development, particular care should be taken to organize the landscaping plan to maximize the visual effects of green spaces. Appropriate means shall be used to screen surrounding residential areas from undesirable views into the commercial portions of the development park and, conversely, to screen development within the PDR from any undesirable external exposures. In particular, all service and loading areas shall be screened from view from public streets and, insofar as reasonably possible, parking areas for more than ten (10) automobiles shall be similarly screened from view by landscaping, decorative fencing, walls, berms, or relation to buildings.
 - (5) The circulation system and building orientation shall be designed to emphasize and facilitate the pedestrian, bicycle, and transit modes of transportation.
 - (6) The board may impose such other conditions as it deems necessary under the terms of the section in recognition of the unique circumstances surrounding the particular proposal or the area in which it is proposed, and in order to ensure the protection of the health, safety, and general welfare of the public and the preservation of property values.

(Ord. No. 03-25, 6-17-03; Ord. No. 05-13(R), 5-17-05; Ord. No. 07-7, 5-15-07)

Sec. 24.1-362. Procedure for establishment of the planned development districts.

Planned development districts may be established only through an amendment of the zoning map in accordance with the procedures for amendment prescribed in article I and as follows:

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- (a) *Conceptual Discussion Phase (Optional)*—The prospective developer of a mixed-use project may request that the project concept be scheduled for discussion by the planning commission and board of supervisors with the objective of obtaining guidance as to the feasibility and acceptability of the project. For the purposes of this preliminary discussion, the developer need not prepare all of the material required for a Phase I submission but should be aware that the planning commission and board of supervisors will be unable to provide meaningful guidance without benefit of a considerable amount of conceptual information about the project. The developer must also understand that proceeding through this process will consume approximately ninety (90) days and that any comments or guidance with respect to the project and/or any alternative development parameters will be informal and nonbinding as to the board's ultimate action in the event the developer decides to proceed with a Phase I submission and formal application.
- (b) *Phase I Overall development master plan and petition for reclassification of property.* The purpose of the overall development master plan is to allow consideration and establishment of the general arrangement of land uses within a proposed planned development as well as the maximum allowable development density and other design parameters and to allow evaluation of the probable impacts, both on-site and off-site, of the proposed development.
- (1) A community impact assessment shall be submitted along with the overall development master plan which shall analyze in specific terms the probable impact of the project on the community over time. The assessment shall include, but not be limited to, reports on: the projected fiscal/economic impact of the proposed development (and including a projection of the potential fiscal impact of a by-right development on the subject property); population projections; school enrollment and capacity analyses; parks and recreation activities and needs; fire, rescue and law enforcement services impacts; water, sewer, and stormwater management demands; traffic engineering analysis of projected traffic generation and the impacts on existing and proposed road systems; and, environmental impacts. The zoning administrator may waive certain elements of the community impact assessment where the nature of the proposed development makes such elements inapplicable.
 - (2) Twenty (20) paper copies (plus legible 11" × 17" reductions of each sheet) of an overall development master plan prepared in accordance with good planning practice, shall be submitted. In addition to an overall site layout plan, the Master Plan submission shall include conceptual information on streets, circulation and parking, open space and recreation amenities, utilities, particularly any stormwater management ponds, landscaping and pedestrian circulation, and renderings of all major buildings or building types. Prior to formal preparation of an overall development master plan, the owner or developer is encouraged to meet with the zoning administrator to discuss the project proposal and to become familiar with the policies of the board and the procedures and requirements established herein. Depending upon the nature and scope of the development proposal, such meeting should also include representatives from other appropriate review agencies and departments such as, but not limited to, the Virginia Department of Transportation, planning division, economic development office, department of public works, department of fire and life safety, and the department of community services.
 - (3) In addition to the overall development master plan, the applicant shall submit a petition for amendment of the zoning map in accordance with the requirements and procedures for amendment as established in article I.
 - (4) Upon a determination by the zoning administrator that the content of the overall development master plan is sufficient for a decision to be rendered by the commission and board, the plan shall be transmitted to the commission and concurrently submitted for review and comment to appropriate county, state and federal agencies and departments. To the extent possible,

reviewing agencies' comments will be transmitted to the commission within sixty (60) days at which time the commission will first consider the application.

- (5) The commission shall review the submission in accordance with the public notice and hearing requirements prescribed in article I. The commission, in its recommendation to the board, shall specifically address the following:
 - a. The relationship of the proposed development to the comprehensive plan and other established development policy guidelines;
 - b. The relationship of the proposed development to the community in which it is proposed to be established;
 - c. The manner in which the plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic and provide for the amenities of light and air, recreation, and a pleasant visual environment;
 - d. The nature and extent of common open space in the proposed development and the reliability of the proposals for guaranteeing perpetual maintenance;
 - e. The appropriateness of the development density in relation to the comprehensive plan and, in the case of mixed-use projects, the appropriateness of the ratio of residential to non-residential uses, proposed for the development.
 - f. The compatibility of the proposal with the objectives set forth in the statements of intent for the PDR or PDMU districts.
 - (6) In the event the overall development master plan is approved, or approved subject to modification, the board shall establish, by ordinance, a PDR or PDMU district in the area encompassed. Such ordinance shall establish and specify such minimum and maximum design parameters as the board may deem appropriate, and may include such other conditions and requirements as the board determines necessary.
 - (7) In the event the overall development master plan is disapproved by the board, the application for reclassification shall thereby be deemed to be denied.
 - (8) If, during the course of required reviews by the commission or board, the applicant proposes revisions or modifications to the overall development master plan which are of such magnitude and extent as to substantially change the development concept, as determined by the zoning administrator, said modifications shall cause the revised overall development master plan to be referred back through the required review and hearing procedures as if it were an original submission.
- (c) *Phase II Final subdivision and site plan.*
- (1) The approval of a reclassification application to a PDR or PDMU district, and the approval of the accompanying overall development master plan by the board, shall constitute authority for the applicant to prepare one (1) or more final subdivision or site plans. Such plans shall be prepared in accordance with the approved overall development master plan and all applicable provisions of the subdivision ordinance and the site plan provisions established in article V of this chapter.
 - (2) Separate subdivision or site plans shall be submitted for each development stage or section as set forth in the approved overall development master plan or as approved as a logical phase/section by the zoning administrator. Such plans shall include, as an attachment, copies of all charters, covenants, restrictions and other instruments pertaining to the use, maintenance, operation and control of all common open space areas or other common facilities within the development. Such

documents shall have been developed in accordance with the provisions established in article IV, division 17 of this chapter.

- (3) All common and public improvements within the PDR or PDMU district shall be subject to performance agreements and surety requirements as with any development. In addition, those common improvements which generally constitute the "amenity package" for a PDR or PDMU district including, without limitation, the common open space and recreational facilities, but also including additional landscaping, open areas, maintenance facilities and equipment, water bodies, trails, sidewalks, pathways and any other materially similar item as determined by the zoning administrator shall be physically installed and completed prior to or concurrently with any abutting or adjacent building, whether residential or non-residential.
- (4) In the event recreational areas or facilities to benefit the residents/property owners/occupants of the development are required, such areas/facilities shall be completed, available for use and enjoyment of the residents, and in the possession of the property owners association prior to the earlier of:
 - a. thirty-five percent (35%) of the residential units or lots authorized being platted or approved for construction; or
 - b. five (5) years after the date that the first residential units were platted or approved for construction.

The zoning administrator shall require such performance agreements and surety as deemed necessary to guarantee the property owner(s) within the PDR or PDMU district that the facilities will be available, regardless of the financial circumstances of the developer at the time set for completion. This shall not be interpreted to supersede the requirement established in paragraph (3) above that common improvements be physically installed and completed prior to or concurrently with the construction of any abutting or adjacent buildings.

- (5) Limited deviations from the approved overall development master plan may be authorized by the zoning administrator when such deviations are determined to be necessary because of topography; drainage; structural safety; vehicular, pedestrian, or bicycle safety; or other extenuating circumstances, and provided that such deviations will not:
 - a. increase development density; materially alter points of access; decrease the amount of open space; increase the amount of impervious surface area; materially alter the drainage and stormwater management system;
 - b. materially alter recreational amenities; materially change the market orientation of the development; demonstrably and negatively affect the visual appearance of the development as viewed from adjacent properties or public roads;
 - c. materially alter the character of the approved overall development master plan; or
 - d. be contrary to the legislative intent of the board in approving said overall development master plan.
- (6) When the zoning administrator grants a limited deviation, a written record of the decision shall be made describing the request, the decision, and the factors contributing to the decision. Copies of the written record shall be forwarded to the commission and board for information purposes.
- (7) Any proposed adjustment or revision other than those authorized above, as determined by the zoning administrator, shall not be approved without amendment of the overall development master plan in accordance with the same procedures and time limitations specified for initial submission.

(Ord. No. 07-7, 5-15-07; Ord. No. 17-12, 9-19-17)

Sec. 24.1-402. Standards for open space development (cluster techniques).

- (a) In those districts where permitted, cluster techniques may be utilized to create open space developments, provided that a minimum gross land area of ten (10) acres is available and utilized. Acreage that is continually inundated, or which is subaqueous, shall not be counted as "land area" for the purposes of this section. Additions to existing open space developments of less than ten (10) acres may be approved if the zoning administrator finds that such an addition forms a logical extension.
- (b) Density calculations shall be based on net developable acreage as determined by section 24.1-203 of this chapter and the following formula:

Lot Yield =	$\frac{\text{Net Developable Acreage} \times /_{SR}}{\text{Minimum Conventional Lot Size of the Zoning District}}$
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Where /_{SR} is a reduction factor to account for streets and recreation space required in conventional subdivisions and is based on the zoning districts in which the proposed development is to be located:

District	/ _{SR}
RC	0.875
RR	0.850
R33	0.850
R20	0.825
R13	0.800

Fractional units may be rounded up to the next whole number.

- (c) *Yard, size and dimension requirements.*
 - (1) There are no lot width or area requirements.
 - (2) The above notwithstanding, any lots abutting the exterior boundary of the open space development shall be of the same size as would be required of conventional development unless the abutting development shall have been developed as an open space development. In the case of any open space development receiving Preliminary Plan approval after October 20, 2009, the building setback requirement from any property line on the perimeter of the development shall be the same dimension as would be required for a conventional development unless the lot abuts another open space development or an open space area not less than forty-five feet (45') in width. A lot shall be considered to be abutting unless it is separated by an area of open space which is not less than forty-five feet (45') in width. Any open space strip used to satisfy this requirement shall remain undeveloped, except for stormwater management facilities if approved as specified below, and shall be maintained in its natural state if wooded or, if void of vegetation or undervegetated, it shall be landscaped to meet Type 25 Transitional Buffer standards, as established in section 24.1-243 of this chapter. Such open space area shall not be used to accommodate stormwater management facilities unless such stormwater management facilities are set back at least twenty five feet (25') from any property not in the open space development. Existing trees and vegetation within such setback area shall be preserved and protected and/or the area shall be landscaped to meet the planting standards of a Type 25 Transitional Buffer. With the concurrence of abutting property owners, the landscaping along all or portions of the 25-foot wide buffer strip may be eliminated or reduced in scope so as not to obscure desirable views of a BMP feature such as a pond or lake.

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- (3) The minimum setback from external streets shall be that which is prescribed in the underlying zoning district.
 - (4) The minimum setback from internal public streets shall be thirty feet (30') and from internal private driveways or streets the setback shall be established on the plan of development, but in no case shall it be less than ten feet (10').
 - (5) The minimum distance between any two principal buildings within the open space development shall be twenty feet (20'). Side yard dimensions on each individual lot shall be a minimum of ten feet (10') in depth and rear yard dimensions shall be a minimum of twenty feet (20') in depth. Accessory building locations and setbacks shall be governed by the provisions set out in Section 24.1-273 of this Chapter.
 - (6) Flag lots, if proposed, shall be subject to the limitations and dimensional standards set forth in Section 24.1-202(c) of this chapter.
- (d) *Open space requirements.*
- (1) No less than forty percent (40%) of the gross area of an open space development shall be reserved as common open space, including recreational space, which shall be maintained for the benefit of the residents of the development. Golf courses may be counted as open space for the purpose of meeting this requirement to a maximum of thirty percent (30%) of the required open space. In addition, in the event the developer of a proposed open space development dedicates or willingly sells to the County land from the parent tract for the purpose of development of one or more of the following community-enhancing public facilities, the land area involved in such transaction shall be creditable on an acre for acre basis toward the open space requirement for the project, to the extent that such credit does not exceed fifty percent (50%) of the amount of open space that would otherwise be required for the development. Land intended by the County for use as one or more of the following purposes shall be eligible for such credit:
 - school
 - park
 - recreation center (indoor or outdoor)
 - community center
 - library
 - such other facility as the Zoning Administrator determines to be materially similar.
- The identification of such land and conveyance of the subject property to the County shall occur prior to or contemporaneously with the approval of the construction plans (Development Plans) for the proposed residential project. Nothing in this section shall be deemed to supersede the provisions of Section 15.2-2232 of the Code of Virginia which require that the location of public facilities be found to be substantially in accord with the adopted Comprehensive Plan.
- (2) All areas not included in lots or street rights-of-way shall be incorporated into common open space.
 - (3) The common open space shall be arranged and designed so as to facilitate its use, ensure continuity of design, and preserve sensitive environmental features. Failure to achieve these goals shall be sufficient reason for the zoning administrator to deny applications for open space development plan approval or to require modifications which may include loss of lots.
- (e) *Recreational space requirements.*
- (1) Recreational space equivalent to no less than seven and one-half percent (7.5%) of the gross land area shall be provided and shall be suitable, as determined by the zoning administrator, for recreation purposes and the development of recreational facilities which are appropriate to the size, scale, and

market orientation of the development. Recreation areas shall not abut the exterior boundary of the open space development.

- (2) Within the recreation space shall be developed, at a minimum, an open play field, a playground or tot lot, and a picnic area, all of which shall be located, sized and scaled in proportion to the development.
 - (3) The zoning administrator may modify the requirement for recreational space in any manner deemed appropriate or necessary for the purpose of ensuring that adequate recreation facilities are available to serve the development given its size, scale, and market orientation.
 - (4) Adequate pedestrian and bicycle facilities shall be provided which fully interconnect the development and its recreation areas both internally and with existing and planned external pedestrian and bicycle facilities.
- (f) Applications for open space developments shall be made in the same manner as prescribed for conventional subdivisions in the county subdivision ordinance.
 - (g) Final plats recorded for an open space development utilizing the cluster technique and all deeds for lots within such development shall bear a statement indicating that the land is within an approved residential open space (cluster) subdivision and shall also bear a statement indicating the ownership status of the development's open space system and shall reference the covenants creating a property owners association which shall also be recorded at the time final plats are put to record.
 - (h) Development density may be increased if recreation area in excess of the seven and one-half percent (7.5%) prescribed by the subdivision ordinance is provided and developed. Density increases shall be limited to a maximum of ten percent (10%) and shall be granted in increments of one percent (1%) for each additional two percent (2%) increment of recreation space.

The proposed active recreation facilities shall be approved by the zoning administrator as being appropriate to the size and market orientation of the development and shall either be constructed or guaranteed for construction through an agreement and surety acceptable to the county attorney prior to the platting of any lots over fifty percent (50%) of the total number authorized in the open space subdivision.

(Ord. O97-5, 2-5-97) (Ord. No. 03-43, 12-16-03; Ord. No. 05-13(R), 5-17-05; Ord. No. 09-22(R), 10-20-09; Ord. No. 11-15(R), 11-16-11)

Sec. 24.1-403. Standards for single-family attached dwellings.

The following standards shall be required of all single-family attached developments. Evidence of compliance shall be demonstrated through preparation of a site plan in accordance with all requirements of article V.

- (a) A single-family attached dwelling unit development or project shall consist of at least five (5) acres except where the zoning administrator determines in writing that allowing development on a smaller parcel of land would facilitate the logical "in-fill" development of vacant parcels and promote efficient land use.
- (b) All dwelling units shall be served by public water and public sewer.
- (c) The development project shall be designed to promote harmonious relationships with surrounding properties through attention to the type, orientation, spacing and setback of buildings, preservation of natural vegetation, location of recreation areas, open spaces, parking areas, grading, landscaping, and screening and buffering.
- (d) The density of the single-family attached dwelling unit development shall not exceed the maximum allowable density for the particular district in which located. Maximum allowable density shall be calculated using net developable acreage as determined in accordance with section 24.1-203.

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- (e) There shall be no more than six (6) units in any contiguous grouping of townhouse or multiplex units. No more than two (2) abutting attached units shall have uniform roof lines or the same setback. Variations in the setback of building faces shall be at least three feet (3').
 - (f) The single-family attached development shall be surrounded by a perimeter buffer area of at least twenty-five feet (25') in width. Where feasible, existing mature and healthy trees located throughout the buffer area shall be preserved and protected during and after the development process. Where existing trees must be removed, or few or no trees previously existed throughout the buffer area, trees shall be planted in sufficient numbers to achieve a landscaping ratio of at least one tree, either existing or newly planted, for each five hundred (500) square feet of buffer area. The provisions of this section shall not be construed to require cutting of existing stands of mature healthy trees within such buffer areas nor to require a regimented planting pattern. The final landscaping plan shall ensure that plant materials consistent with the standards established in article II-division 4, are located throughout the buffer areas. Required yards for individual units shall not extend into such areas.
 - (g) Each single-family attached dwelling unit shall have direct access to a private rear or side yard or patio area which should be enclosed or visually screened by fences, walls or plantings. Accessory storage sheds, fences, walls or other structures, designed and constructed at the time of development as an architecturally compatible addition to the dwelling unit, may occupy up to sixty (60) square feet of the required rear or side yard area. Such sheds shall not exceed six feet (6') in width nor ten feet (10') in depth and shall be located along one of the side lot lines in order to serve as a privacy screen and to maximize the usefulness of the remaining yard/patio area. Other provisions of this chapter notwithstanding, required yard setback dimensions shall be measured to the unit rather than to any attached accessory structure.

In addition to the above-described standards, the following provisions shall apply in the situations noted:

- (1) When the rear lot line of a single-family attached unit abuts a common open space strip of at least twenty feet (20') in width, or where the rear lot line faces the side lot line of an adjoining unit and is separated from it by a common open space strip of at least ten feet (10') in width, there may be, as a part of the original construction, or as a later addition, a single-story attached room, storage shed, patio enclosure, screened porch, awning, or other similar structure which projects into the required fifteen foot (15') setback by as much as ten feet (10'). No such extension shall be closer to a side lot line than otherwise authorized by the applicable dimensional regulations.
- (2) Detached single-story storage sheds or similar structures may be located within the required fifteen foot (15') rear yard area and along a side or rear property line provided that they do not exceed sixty (60) square feet in area, are located at least five feet (5') from the principal structure, and the rear lot line abuts a common open space area of at least twenty-five feet (25') in width.
- (3) For the purposes of administering the provisions set forth in Sections 24.1-403(g)(1) and (2) above, for a quadruplex lot or other residential lot in a multiplex grouping in which units are arranged back-to-back and side-to-side, no additions or accessory structures shall be permitted in yards that abut a public or private street or parking area.
- (h) Each single-family attached unit lot shall abut a public street, private drive, group parking area or common open space area. All applicable setback and yard requirements shall be maintained between all units and any public street right-of-way, private drive, group parking area or common open space area. Individual lots shall not be arranged or designed to have frontage on or direct vehicular access to a street proposed for or capable of future acceptance into the State system unless all applicable design

requirements of the Virginia Department of Transportation are adhered to. Individual lots and units shall be arranged in accordance with the following criteria:

- (1) Not more than twenty-four (24) units shall be served by a group parking area or private drive having only one point of connection with a public street or an authorized private collector street;
 - (2) Up to forty-eight (48) units may be served by a group parking area or private drive having two points of connection with a public street or an authorized private collector street. For each additional increment of twenty-four (24) units, an additional point of connection to a public street or an authorized private collector street shall be required.
- (i) Pedestrian and emergency access to the rear of individual lots shall be available via a common open space strip or access way of at least ten feet (10') in width over which shall be granted a public access easement. No lot or group of attached units shall be arranged such that access to the rear portion of a lot would require crossing any other lot or lots. Access between the ends of buildings or unit groupings shall be provided by a common open space strip of at least ten feet (10') in width over which shall be granted a public access easement. The maximum distance between such accessways shall be two hundred feet (200').
 - (j) All single-family attached development shall be designed to accommodate safe and convenient pedestrian and bicycle movements. This shall include adequate provisions for safe, secure, and convenient bicycle parking as well as for internal pedestrian and bicycle circulation which is appropriately connected to the external street, sidewalk and bikeway system.
 - (k) Fire hydrants shall be installed within the project at locations such that no structure, or portion thereof, within the project shall be further than six hundred feet (600') from a hydrant.
 - (l) *Streets.*
 - (1) All collector and through streets within the proposed development shall be constructed and dedicated for acceptance by the Virginia Department of Transportation, provided, however, that the zoning administrator may specifically authorize a private street system in order to facilitate a secured development where general public access would not be permitted. All public and private streets shall be designed in accordance with the design requirements contained in the subdivision ordinance or those published and amended from time to time by the Virginia Department of Transportation, whichever is more stringent.
 - (2) All public and private streets and private drives shall be constructed with curb and gutter.
 - (3) Pavement design for all public and private streets shall conform, at a minimum, to the criteria and specifications of the Virginia Department of Transportation. This shall specifically include accommodating the turning radii of emergency and service delivery equipment.
 - (4) Access to any single family attached development shall be in accordance with the following requirements:
 - a. All such projects containing twenty-five (25) or more units shall have at least two (2) points of access or connection to the existing public street system;
 - b. Such access shall not be through a single-family detached residential subdivision.
 - (m) Stormwater runoff from streets and parking areas within the project shall be conveyed by a storm sewer system which shall consist of curbs and gutters at the edges of pavement, curb drop inlets, and storm sewer piping in accordance with Virginia Department of Transportation and county specifications.
 - (n) Outdoor lighting shall be provided at appropriate locations in order to illuminate adequately group and recreational vehicle parking areas and pedestrian, bicycle, and vehicular circulation routes. Such

lighting fixtures and illumination levels shall be designed and arranged to be compatible with both natural and architectural characteristics of the development and the surrounding area.

(o) *Parking.*

- (1) Off-street parking spaces shall be provided and designed in accordance with the provisions of article VI of this chapter.
 - (2) Required off-street parking spaces shall be designed and located so as to promote safe and convenient vehicular, bicycle and pedestrian circulation. Individual townhouse or multiplex parking spaces shall not generally be located in such a manner as to allow vehicles to enter or exit such space directly from a public street.
 - (3) Visitor parking shall be interspersed conveniently throughout the development.
 - (4) Parking spaces located on individual dwelling unit lots shall be a minimum of nine feet by eighteen feet (9' × 18') in dimension. Where such spaces are located on the individual lots, or where attached garages and driveways are provided, a minimum of 400 square feet of setback green area having a minimum dimension of ten feet (10') in any direction shall be provided in front of the single-family attached unit.
 - (5) The location of parking pads on the individual dwelling unit lots shall be varied in order that not more than two (2) two-car pads (4 spaces) are located side by side without an intervening landscaped strip at least eight feet (8') in width. Any proposed garages, carports or similar parking space enclosures on an individual lot shall be subject to applicable setback and yard requirements.
 - (6) Parking areas shall be designed in consideration of the maneuvering needs of emergency equipment.
 - (7) One or more common storage areas shall be provided to accommodate recreational vehicles owned by residents. Within these areas, recreational vehicle parking spaces of twelve feet by thirty feet (12' × 30') shall be provided at a ratio of one (1) space per ten (10) dwelling units. Such area(s) shall be separated from living areas and shall be lighted, appropriately screened by landscaping or decorative fencing, and constructed with an all-weather surface.
- (p) Where an existing or planned transit route is located in proximity (1,000 feet) to the development, provision shall be made for a transit stop at a convenient point where the development abuts a public street which is classified as a major collector or higher order street.
- (q) A minimum of fifteen percent (15%) of the gross acreage in the development shall be set aside as common open space. At least fifty percent (50%) of this required common open space shall be suitable by reason of location, topography, and configuration for the development of active recreation facilities. Such facilities shall not abut the exterior boundary of the development.
- (r) Single-family attached units and developments shall be designed to accommodate recycling programs. Development-wide accommodations may include provisions for conveniently located dumpsters dedicated to recyclables collection or other appropriate effort(s) which facilitate recycling.

(Ord. No. 04-11, 6-1-04)

Sec. 24.1-404. Standards for multi-family dwellings.

All multi-family development shall comply with the following standards. Evidence of compliance shall be demonstrated through preparation of a site plan in accordance with all requirements of article V.

- (a) All dwelling units shall be served by public water and public sewer.

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- (b) The density of multi-family development projects shall not exceed ten (10) units per acre, calculated using net developable acreage as determined in accordance with section 24.1-203.
 - (c) The development project shall be designed to promote harmonious relationships with surrounding properties through attention to the type, orientation, spacing setback of buildings, preservation and maintenance of natural vegetation, location of recreation areas, open spaces, parking areas, grading, landscaping, screening and buffering.
 - (d) Multi-family structures shall be designed and arranged as follows:
 - (1) Where units are arranged to resemble individual townhouses, no more than six (6) such units may be in any one (1) contiguous grouping or structure.
 - (2) No single apartment building shall contain more than twelve (12) dwelling units.
 - (3) The maximum length of any continuous multi-family structure shall be two hundred feet (200').
 - (e) The development shall be surrounded by a perimeter buffer area of at least fifty feet (50') in width which shall be landscaped, in accordance with the provisions of article II, division 4 of this chapter, to meet the Type 50 Transitional Buffer standards.
 - (f) Front, side and rear yards shall be provided around each building in the development in a manner which provides a minimum of twenty-five feet (25') of open landscaped space surrounding each building. No two buildings within the project shall be located closer to one another than thirty feet (30').
 - (g) A minimum of four hundred (400) square feet of common recreation area shall be provided for each dwelling unit in the development. Such areas shall be arranged and improved to provide suitable recreational opportunities, both active and passive, for the residents of the development. Such area need not be concentrated in one central location but may be interspersed throughout the development, if done in a manner which provides appropriate areas conveniently located to all units. No individual recreational area may be less than twenty-five feet (25') in any linear dimension nor located closer than seventy-five feet (75') to any building. Up to twenty-five percent (25%) of the total required open space may be included within the required perimeter setback area provided that the buffer width is not reduced below twenty-five feet (25').
 - (h) Fire hydrants shall be installed within the project at locations such that no building or portion thereof within the development shall be further than six hundred feet (600') from a hydrant.
 - (i) The following design standards shall apply to private streets and circulation drives within the development:
 - (1) Pavement shall be designed and constructed in accordance with the Virginia Department of Transportation standards for streets having the same traffic volumes as the proposed private streets and drive.
 - (2) All streets, drives, and parking areas shall be constructed with curb and gutter designed in accordance with Virginia Department of Transportation specifications.
 - (3) Street widths shall be based on the anticipated traffic volumes of the street and shall be determined in accordance with the standards contained in the county subdivision ordinance.
 - (j) Access to any multi-family development project shall be in accordance with the following requirements:
 - (1) All such projects of twenty-five (25) units or more shall have at least two (2) points of access to the existing public street system;
 - (2) Such access shall not be through a single-family detached residential subdivision.

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- (k) All multi-family developments shall provide for safe and convenient pedestrian and bicycle circulation. This shall include safe, secure, and conveniently located bicycle parking facilities together with internal sidewalks, bike lanes, pathways, or trails which are appropriately connected to the external street, bikeway, and pedestrian systems.
 - (l) Where an existing or planned transit route is located in proximity (1,000 feet) to the development, provision shall be made for a transit stop at a convenient point where the development abuts a public street which is classified as a major collector or higher order street.
 - (m) Stormwater runoff from streets and parking areas within the project shall be conveyed by a storm sewer system which shall consist of curbs and gutters at the edges of pavement, curb drop inlets, and storm sewer piping in accordance with Virginia Department of Transportation and county specifications.
 - (n) Outdoor lighting shall be provided at appropriate locations in order to illuminate adequately group and recreational vehicle parking areas and pedestrian, bicycle, and vehicular circulation routes. Such lighting fixtures and illumination levels shall be designed and arranged to be compatible with both natural and architectural characteristics of the development and the surrounding area.
 - (o) One or more common storage areas shall be provided to accommodate recreational vehicles owned by residents. Within these areas, recreational vehicle parking spaces of twelve feet by thirty feet (12' × 30') shall be provided at a ratio of one (1) space per ten (10) dwelling units. Such area shall be lighted, appropriately screened by landscaping or decorative fencing, and constructed with an all-weather surface.
 - (p) Multi-family developments shall have facilities for the collection of recyclable materials constructed within each building and the development shall be arranged such that conveniently located community recyclables collection points are available within the development.

(Ord. No. 05-13(R), 5-17-05)

Sec. 24.1-406. Standards for manufactured home parks.

- (a) The minimum size of any parcel considered for development of a manufactured home park shall be ten (10) acres.
- (b) The suitability of a proposed location for a manufactured home park shall be determined by the board on a case-by-case basis with consideration given to guidance provided by the comprehensive plan, compatibility with existing and potential development in the immediate vicinity, the physical capabilities of the site to accommodate the proposed development, and such other factors as the board may deem pertinent.
- (c) Manufactured home parks shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity. To these ends, site design on the perimeter of the proposed development shall give consideration to protection of the property from adverse surrounding influences, as well as protection of surrounding areas from potentially adverse influences from within the proposed development. In addition, a proposed manufactured home park shall be designed to relate harmoniously to the topography of the site, make suitable provisions for preservation and protection of water courses, wooded areas and other significant natural features and areas, and shall otherwise be so designed as to integrate such natural features and amenities into the overall project design.
- (d) Manufactured home parks shall be designed in order to promote a visually attractive and pleasant living environment. Suggested design features include variation in street patterns, use of cul-de-sacs and curvilinear streets, variations in block shapes and sizes; clustering of manufactured home spaces, and variations in the placement of manufactured homes on the individual spaces.

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- (e) A minimum fifty foot (50') perimeter open space buffer area shall be provided and maintained along the property lines of the park. Such area shall be landscaped in accordance with the requirements for transitional buffers contained in article II, division 4 of this chapter and shall not be used for storage, services, parking, or placement of accessory structures.
 - (f) The minimum area of individual manufactured home spaces in the manufactured home park shall be four thousand six hundred (4,600) square feet for single-wide units and six thousand (6,000) square feet for double-wide units. The overall density of the proposed manufactured home park shall be consistent with the density guidelines established in the comprehensive plan.
 - (g) In lieu of specific minimum width and depth requirements, manufactured home spaces shall be designed and arranged so as to ensure that the anticipated types and dimensions of manufactured homes may be accommodated on the space in accordance with the following performance standards:
 - (1) The minimum setback for manufactured homes, additions thereto, or accessory structures from any internal street rights-of-way or common parking areas shall be twenty-five feet (25').
 - (2) The minimum setback of manufactured homes or additions thereto from any side or rear boundary line of the manufactured home space shall be ten feet (10').
 - (3) The minimum spacing between adjacent manufactured homes or habitable additions thereto shall be twenty feet (20').
 - (4) The minimum setback for detached accessory structures shall be five feet (5') from any side or rear boundary line of the manufactured home space and ten feet (10') from the manufactured home or addition thereto.
 - (h) The manufactured home park shall provide common recreation space at a minimum ratio of four hundred (400) square feet for each manufactured home space. Such recreation and open space shall be comprised of both active and passive recreational areas and facilities, such as playgrounds, swimming pools, community buildings, separate paths for pedestrians and cyclists, and similar facilities. A primary pedestrian and bicycle system must be provided and shall be part of an overall system providing access between principal park features and recreational areas and to the external street, pedestrian, and bike network. To be counted toward fulfillment of the common recreation and open space area requirement, any space must have a minimum dimension of twenty-five feet (25'), provided, however, that the required pedestrian and bike system may be as narrow as ten feet (10') in width. The width and construction details of the pedestrian and bicycle network shall be shown on the site plan.

The area of required perimeter buffer areas, streets, common parking areas, or park management and service areas shall not be counted toward fulfillment of the common recreation space area requirement nor shall it be used for such purposes.

- (i) Parking shall be provided in accordance with article VI of this chapter. Off street parking spaces may be located on the individual manufactured home space or in a common parking court located within one hundred feet (100') of the units to be served. Common parking areas shall be designed and constructed in accordance with all applicable requirements of article VI of this chapter. Not more than two (2) off-street parking spaces shall be provided on any individual manufactured home space and a minimum of four hundred (400) square feet of green area having a minimum dimension of ten feet (10') in any direction shall be provided between such parking spaces and the manufactured home. Parking spaces, whether in common areas or on manufactured home spaces shall be paved.
- (j) Each manufactured home space shall abut and have direct access to an interior street or drive or to a common parking area. No manufactured home space shall be designed for direct access to a street outside the boundaries of the manufactured home park. The interior circulation system shall be designed to provide convenient and safe vehicular access to individual lots and, to the extent possible, individual manufactured home spaces should be arranged so as not to have direct access to the park's primary entrance drive(s).

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- (k) Interior streets shall be paved with a masonry, concrete, or asphalt surface and shall be designed and arranged in a logical and efficient hierarchy based on function. There shall be at least two (2) points of connection with a public street for up to forty-eight (48) manufactured home spaces. For each additional increment of twenty-four (24) manufactured home spaces, an additional connection to a public street or an authorized private collector street shall be required.

Pavements shall be of adequate widths and cross section to accommodate the contemplated parking and traffic load and shall be designed in consideration of the maneuvering needs emergency vehicles. Pavement sections shall conform to the design categories of the Virginia Department of Transportation and the subdivision ordinance based on anticipated traffic volumes.

Parallel on-street parking shall necessitate an additional eight feet (8') of pavement width for each side of the street on which such parking is to be permitted.

Street rights-of-way shall be sufficiently wide to accommodate necessary drainage improvements, utilities, and pedestrian ways.

- (l) All areas of the manufactured home park or individual manufactured home spaces not occupied by structural improvements shall be appropriately landscaped. Such landscaping shall include at least two (2) trees on each manufactured home space supplemented with low growing shrubs and complete grassing of such space and, further, at least one (1) additional tree shall be provided in the park for each two (2) manufactured home spaces, not counting trees in the perimeter buffer area. Standards and criteria established for landscaping in article II, division 4 of this chapter shall be observed.
- (m) All manufactured home parks shall be served by both public water and public sewer. Each manufactured home space shall be provided with individual water and sewer connections providing service to the public systems. Fire hydrants shall be located at intervals of not more than six hundred feet (600') throughout the manufactured home park.
- (n) The corners of each manufactured home site shall be clearly defined by permanent ground markers corresponding to the layout and design indicated on the approved site plan. The division of land into individual lots for transfer of title shall not be permitted in manufactured home parks.
- (o) Only those manufactured homes constructed in accordance with the "Manufactured Home Construction and Safety Standards" promulgated by the U. S. Department of Housing and Urban Development, and bearing the appropriate seals and labels to certify compliance with such regulations, may be located in any manufactured home park subject to these regulations. Only single-story manufactured homes shall be permitted in manufactured home parks.
- (p) Manufactured homes shall be located on the space and anchored in accordance with the provisions of the Virginia Uniform Statewide Building Code. All plumbing, electrical, mechanical and similar exterior attachments or additions to the manufactured home or the individual manufactured home space shall be constructed in compliance with the provisions of the Virginia Statewide Building Code.
- (q) Permanent masonry walls or prefabricated metal or vinyl skirting, designed, constructed and maintained so as to completely conceal the undercarriage of the unit and fixtures thereto, shall be installed in accordance with the Virginia Uniform Statewide Building Code around the entire perimeter of all units.
- (r) One or more common storage and parking areas shall be provided to accommodate recreational vehicles owned by park residents. Within such area(s), recreational vehicle parking spaces of twelve by thirty feet (12' x 30') shall be provided at a ratio of one space per ten (10) manufactured home spaces. Such area(s) shall be separated from the living areas of the park and shall be lighted, appropriately screened with landscaping supplemented by decorative fencing and constructed with an all-weather surface.
- (s) Solid waste disposal shall be provided through centralized dumpsters, including facilities for the collection of recyclables, which are conveniently located to serve groups of manufactured homes.

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- (t) If centralized or grouped mailboxes are to be used in the park in lieu of individual mailboxes at each manufactured home space, the design of the mailbox structure and grouping shall be submitted to the zoning administrator for review and approval.
 - (u) Outdoor lighting shall be provided at appropriate locations in order to adequately illuminate group and recreational parking areas and pedestrian and bicycle and vehicular circulation routes. Such lighting fixtures shall be designed and arranged to be compatible with both natural and architectural characteristics.
 - (v) The developer of a manufactured home park shall be responsible for the proper maintenance of all portions of the park including streets, common parking areas, and recreation areas, open space and buffers. Applications for authorization of a manufactured home park shall be accompanied by a copy of the proposed park rules and regulations and plans and procedures for maintenance of all common areas.
 - (w) Where an existing or planned transit route is located in proximity (1,000'±) to the manufactured home park, provision shall be made for a transit stop at a convenient point where the development abuts a public street.

Sec. 24.1-424. Standards for recreational uses.

- (a) Recreational facilities shall be designed in a manner which minimizes their impacts on adjacent properties.
- (b) Where recreation areas or facilities are proposed as a part of a residential development where housing units or lots are offered for sale, the areas or facilities shall be completed or substantially completed prior to the issuance of zoning certificates for any adjacent residential units.
- (c) Recreational uses and facilities shall be designed in a manner which will promote and protect public safety. This shall include without limitation, effective security and safety lighting along pedestrian and bicycle routes and within parking lots, appropriate clear zones and surface around and beneath play apparatus, provision of emergency telephone capability, and such other similar things as the zoning administrator may deem appropriate or necessary.
- (d) Security fencing, where required or desirable, shall be of a type which is compatible with the overall architecture, scale, and character of the recreation facility and the community which it serves.
- (e) The zoning administrator may waive the requirement for completion and full plan implementation prior to the issuance of zoning certificates and, further, may waive some or all of the normally applicable surety requirements for recreational facility development which occurs after the community which it serves has been fully developed and where the type and financing of the community organization undertaking the project would so warrant.

Sec. 24.1-453. Mobile Food Vending Vehicles (Food Trucks).

When not in conjunction with a special event (such as a festival, concert, grand-opening, anniversary, or special sales event where food vending is allowed as accessory and incidental to the event) the operation of mobile food vending vehicles (aka—food trucks) on property zoned and developed for commercial or industrial use shall be permitted by administrative permit subject to the following provisions:

- (a) The applicant shall provide the following to the zoning administrator:
 - (1) A copy of a valid York County business license. Such business license shall be posted in the vehicle at all times when in operation in York County.
 - (2) A copy of a valid health permit from the Virginia Department of Health stating that the mobile food vending operation meets all applicable standards. A valid health permit must be maintained for the duration of the permit.

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- (b) The administrative permit shall be issued for a period not to exceed one (1) year but may be renewed upon written request by the operator.
 - (c) In addition to the commercial and industrial districts listed under Section 24.1-306, *Table of land uses*, mobile food vending shall be allowed to operate in the commercial areas of any approved and developed planned development mixed use district (PD-MU).
 - (d) The following standards and conditions shall apply to all mobile food vending vehicle operations:
 - (1) The operator must have written documentation of the consent of the owner(s) of the property or properties on which the mobile food vending vehicle will be operated;
 - (2) Mobile food vending vehicles shall operate only on developed and occupied property and only during the hours when the business/industrial establishment on the premises is open for business;
 - (3) Unless otherwise approved, mobile food vending vehicles shall be removed from any site when the on-premises establishment closes for the day. Prior to leaving the site, the vehicle operator shall pick up, remove, and dispose of all trash or refuse within at least twenty-five feet (25') of the vehicle that consists of materials originally dispensed from the vehicle, including any packages or containers or parts thereof used with or for dispensing the menu items sold from the vehicle.
 - (4) One (1) temporary condiment station may be set up next to the vehicle. Such station may be covered by a roll-out cloth awning extending from the vehicle or by a temporary canopy not exceeding 10 feet by 10 feet in dimensions;
 - (5) The volume of any background music played from the vehicle shall be limited so as not to be plainly audible beyond the property boundaries of the site where the vehicle is located, or at a distance of 100 feet from the vehicle, whichever is less;
 - (6) Any lighting attached to the exterior of the vehicle or used to illuminate the menu boards or the customer waiting areas adjacent to the vehicle shall be provided with fixtures that do not produce light spill onto adjacent properties or into the night sky;
 - (7) Receptacles, either those already available on a site or temporary/portable ones provided by the mobile food vehicle operator, shall be positioned conveniently for disposal of all trash, refuse, compost, and garbage generated by the use;
 - (8) Any greywater, fats, oils, grease, or hazardous liquids generated in the mobile food vending operation shall be contained within the vehicle and transported off the property for proper disposal;
 - (9) Mobile food vending vehicles shall be parked at least one hundred (100) feet from any residential dwelling;
 - (10) Mobile food vending vehicles shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians. Such vehicles may be parked in an existing parking lot provided that any *required* parking spaces are not obstructed and made unavailable;
 - (11) Mobile food vending vehicles shall not be parked in or operated from a public street right-of-way;
 - (12) Not more than two (2) A-frame signs may be used to display and advertise menu items and other information associated with the mobile food vending operation. Such signs shall not exceed six (6) square feet in area (e.g., each face of the A-frame) and four (4) feet in height, shall be positioned within thirty (30) feet of the vehicle, and shall not be placed within a public road right-of-way. Signage that is permanently affixed to the vehicle shall be permitted; however, flags,

banners, or other decorative appurtenances, whether attached or detached, shall not be allowed.

- (e) The zoning administrator may revoke the permit at any time for failure of the permit holder to comply with any requirement of this chapter and to correct such noncompliance within the timeframe specified in a notice of violation. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the board of zoning appeals.

(Ord. No. 15-15(R), 1-19-16)

Sec. 24.1-454. Standards for all recreation and amusement uses.

- (a) When recreation and amusement uses are to be located in or adjoining a residential district, all off-street parking and loading spaces shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by both landscaping and appropriate fencing materials.
- (b) Unless waived in writing by the zoning administrator at the time of application, a traffic impact study prepared in accordance with the standards established in article II of this chapter shall be submitted with all applications for recreation and amusement use. The study shall either find that such a facility will have no excessive or adverse impact on residential streets nor will there be a demonstrable safety hazard at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.
- (d) Outdoor components of such uses, where located adjacent to residentially classified property, shall not be operated after 11:00 p.m. nor before 6:00 a.m.
- (e) Provisions shall be made to adequately accommodate bicycle parking unless the zoning administrator determines such provision is unnecessary by reason of the location, hours of operation, or market orientation.
- (f) Outdoor speaker or paging systems shall not be directed toward property lines and shall not be audible from adjacent residential properties.

Sec. 24.1-466. Standards for all commercial and retail uses.

- (a) All off-street parking and loading space for all commercial and retail uses shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.
- (b) When located in or adjacent to a residential area, the external appearance and arrangement of such facility shall be of a form, character, appearance and arrangement fully compatible with the residential area.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.
- (d) Outdoor speaker or paging systems shall be directed away from property lines and shall not be audible on adjacent properties or rights-of-way.

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- (e) Appropriate and adequate facilities for accommodating bicycle parking and other alternative transportation modes shall be provided which are safe, secure, and convenient.
 - (f) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40') unless the district in which the use is located allows a lesser setback for the principal structure.
 - (g) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a commercial or retail operation shall be subject to the performance standards set forth in sections 24.1475, 477, and 478 of this chapter.
 - (h) For retail uses otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area. Any redevelopment involving an addition, expansion, renovation, enlargement, or other modification of an existing development that would increase the gross floor area to 80,000 or more square feet shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter.

(Ord. No. 00-15, 8-15-00; Ord. No. 04-2(R), 3-2-04)

Sec. 24.1-470. Standards for all business and professional service uses.

- (a) All off-street parking and loading space for business and professional services shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials. The setback/screening requirement shall also apply to all circulation drives serving the business/professional service.
- (b) When located in or adjacent to a residential area, the external appearance and arrangement of such facility shall be of a form, character, appearance and arrangement fully compatible with the residential area.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.
- (d) Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets.
- (e) Appropriate and adequate facilities for accommodating bicycle parking and other alternative transportation modes shall be provided which are safe, secure, and convenient.

(Ord. No. 05-13(R), 5-17-05)

Sec. 24.1-481. Standards for shopping centers.

Shopping centers shall comply with the following performance standards:

- (a) *Area requirements.* The minimum area required for the development of the various types of shopping centers, as defined in section 24.1-104, shall be as follows:
 - (1) Neighborhood Center: minimum lot area of forty thousand (40,000) square feet. The definition of Neighborhood Center notwithstanding, a shopping center may have as much as 15,000 square feet of gross leasable floor area and still be considered a "Neighborhood Center" if offstreet parking is calculated and provided at the Community Shopping Center ratio.

- (2) Community and Specialty Centers—minimum lot area of three (3) acres.
 - (3) For shopping centers otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area. Any redevelopment involving an addition, expansion, renovation, enlargement, or other modification of an existing development that would increase the gross floor area to 80,000 or more square feet shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter.
- (b) *Special dimensional standards.* Proposed shopping center developments shall be subject to the special dimensional standards specified herein, notwithstanding the district in which located:
- (1) *Minimum lot width.*
 - a. Neighborhood Center one hundred seventy feet (170')
 - b. Community and Specialty Centers two hundred thirty feet (230')
 - (2) *Minimum building setback.*
 - a. Neighborhood Center
 - 1. Parking in front of center seventy-five feet (75')
 - 2. All parking at side or rear thirty feet (30')
 - b. Community and Specialty Centers
 - 1. Parking in front of center ninety feet (90')
 - 2. All parking at side or rear thirty feet (30')
 - c. For purposes of this paragraph only, "front" shall be determined by the principal road adjacent to the site and building orientation.
 - (3) *Minimum yard requirements.*

	Side	Rear
a. Neighborhood Center	20'	20'
b. Community and Specialty Centers	25'	25'

- (c) *Screening and landscaping standards.* Shopping centers shall be subject to the following screening and landscaping standards notwithstanding the regulations of the district in which the center is located:
- (1) A minimum twenty-foot (20') landscape yard shall be provided around the perimeter of the shopping center site. Along all public street frontages, landscape yards shall be expanded to twenty-five feet (25') and shall be landscaped with an appropriate combination of low-growing trees and shrubs to screen direct views of parking areas, but not necessarily the shopping center itself from adjacent public streets.
 - (2) Minimum landscaped open space for shopping centers shall be twenty-five percent (25%) of the net developable area of the site. The area of the required perimeter landscape yards and parking lot landscaped islands may be included when calculating such percentage. No less than fifty percent (50%) of the required site landscaping shall be located in front of the principal building on the site. Where the shopping center site is larger than twenty (20) acres, the amount of landscaped open space required may be reduced to twenty percent (20%) provided that no less than sixty-five percent (65%) of the required open space is located in front of the principal

building in the center and that direct views of parking from adjacent public roads are significantly disrupted by landscape methods.

- (3) Where no parking is provided or accommodated in front of the principal building on site, the otherwise required landscaping and open space may be reduced by twenty percent (20%) and the zoning administrator shall adjust the locational requirements of landscaping accordingly.
 - (4) All service and loading areas shall be screened from view from public streets and from first floor windows in adjacent residential districts through landscaping supplemented by other appropriate methods.
 - (5) Landscaping plans for shopping centers shall be prepared by a Virginia certified landscape architect.
- (d) *Access and traffic control standards.*
- (1) A traffic impact analysis, prepared in accordance with article II, division 5 of this chapter, shall be submitted for review by the county and the Virginia Department of Transportation. The analysis shall address access and internal circulation arrangements for the center and any outparcels. The recommendations of the analysis, unless specified otherwise by the department of transportation, shall be fully implemented.
 - (2) Access to shopping center out-parcels shall be designed such that the internal circulation system alone provides adequate access to each proposed out-parcel. Individual access to existing public roads for out-parcels shall not be permitted except as may be approved by the zoning administrator upon the demonstration within the traffic impact analysis that such an individual access will improve internal circulation and not adversely affect traffic flows on the adjacent public roadway(s).
 - (3) Accommodations for pedestrian circulation must be provided throughout the center and shall be appropriately separated from vehicular circulation in order to minimize congestion and safety hazards.
 - (4) Bicycle use and circulation shall be adequately accommodated through, at a minimum, the provision of safe, secure, and convenient bicycle parking facilities.
 - (5) In consultation with the county, an area or areas shall be designated for one or more transit service stops. Said area(s) shall be sufficient to accommodate a transit shelter and an easement shall be granted to the county to erect such shelter should the county in its sole discretion choose to do so. The area(s) designated may be counted toward meeting open space requirements if comprised of landscaped areas(s).
 - (6) Buildings or groups of buildings within the center shall be oriented in relation to parking areas in a manner which minimizes the need for internal automotive movement once patrons have entered the site. Facilities and access routes for shopping center deliveries, servicing, and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas.
 - (7) Lighting which is compatible in style and illumination with the architecture of the shopping center shall be provided at appropriate locations in order to adequately illuminate parking areas and vehicular and pedestrian circulation routes. All outside lighting on the site shall be arranged and shielded to prevent glare or reflection, nuisance, or inconvenience of any kind on adjoining streets or residential properties.

(Ord. No. 00-15, 8-15-00; Ord. No. 08-17(R), 3-17-09)

Sec. 24.1-482. Standards for business parks and industrial parks.

- (a) Business parks and industrial parks shall comply with the following performance standards:
- (1) *Permitted uses.* Uses permitted in business parks and industrial parks shall include the various types of establishments and uses listed as being permitted in the Table of Land Uses for the particular district in which located. In addition, in recognition of the special and unique characteristics of this type of development, the following uses shall also be permitted:
 - a. Day care centers, nursery schools
 - b. Technical, vocational, business schools
 - c. Conference centers
 - d. Post office stations
 - e. Health, exercise, fitness centers, swimming pools
 - f. Golf courses
 - g. Florists
 - h. Office equipment and office supply retail sales
 - i. Banks, financial institutions, brokerages
 - j. Hotels, motels
 - k. Sit down and carry-out restaurants
 - l. Printing, photocopying, blueprinting, reprographic, telecommunication, mailing, facsimile reception/transmission services and other similar business services
 - m. Emergency care and first aid centers or clinics
 - n. Computer hardware and software development and installation, including retail sales and service
 - o. Transportation services, including but not limited to helipads
 - p. All uses permitted as a matter of right in the IL district shall also be permitted as a matter of right in a business or industrial park located in the EO district.
 - (2) *Accessory uses.* Uses permitted as accessory uses within an office park or a business park, however not permitted as free standing uses include:
 - a. Boutiques, wearing apparel shops
 - b. Book, magazine, and card shops
 - c. Barber and beauty shops, personal care and grooming shops
 - d. Apparel services
 - e. Convenience stores
 - (3) *Area standard.* The minimum area required for the development of property under these provisions shall be five (5) acres.
 - (4) *Design standards.* Any office or industrial park developed under these provisions shall provide the following minimum design features:

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- a. Recorded restrictive covenants which serve to ensure the architectural and aesthetic unity of the proposed office or industrial park shall be established. Such covenants shall include controls to mandate that all building façades facing and visible to a public street or residential property be constructed of brick, architectural masonry, fluted block, glass, or an equivalent architectural treatment. Additional covenants relating to the design and maintenance of landscaping, environmental protection, buffering, fencing, and screening shall also be provided. Copies of the covenants shall be submitted to the county with development plans. The developers' legal counsel shall certify that the standards contained herein have been met and shall clearly define the manner in which met. These covenants shall be in addition to any covenants which may be necessary to comply with the provisions of division 17 of this article.
 - b. All ground areas within the park not developed in buildings, roads, driveways, pedestrian walkways, parking areas, loading areas, lakes, utility and drainage structures, or storage facilities shall be maintained with grass or other suitable ground cover and further landscaped with trees, shrubs, and flowering plants so as to create and maintain a "park-like" environment.
 - c. All streets and roads within the development shall be designed and dedicated for public use.
 - d. Outdoor architectural lighting shall be provided at least at all major roadway intersections in order adequately to illuminate vehicular and pedestrian circulation routes, particularly at potential points of conflict. All outside lighting on the site shall be arranged and directed to prevent objectionable glare or reflection, nuisance, or inconvenience of any kind on adjoining streets or residentially classified or developed properties. Lighting fixtures and the intensity of illumination shall be compatible with both the natural and architectural characteristics of the development.
- (5) *Open space, screening, and landscaping standards.* Proposed business park developments shall be subject to the following additional open space, screening, and landscaping standards notwithstanding the regulations of the district in which they are located:
- a. No outdoor storage of goods or materials shall be permitted in any front yard nor shall it encroach upon any required landscaping, public or private street right-of-way, parking facility, or loading space.
 - b. All dumpster pads, loading areas and outdoor storage areas shall be screened from view of all public streets or residential properties by landscaping supplemented by masonry or wooden fencing.
 - c. Parking facilities located in front of the principal building in business parks shall be landscaped to provide one (1) deciduous shade tree and three (3) shrubs per each five
- (5) parking spaces.
- (6) *Access and traffic control standards.* Access and internal traffic circulation shall be designed to promote the safe and harmonious flow of vehicular and pedestrian traffic within the development and to limit the disruption of external traffic. The following general standards shall apply to all developments utilizing these provisions:
- a. Access to individual lots within the office park or industrial park shall be exclusively from a public internal road system. The zoning administrator may modify this requirement in consideration of the topography and configuration of the site.
 - b. Buildings and uses or groups of buildings and uses within the development shall be oriented to each other and in relation to parking areas and pedestrian and bicycle circulation routes in order to minimize the need for excess internal traffic movements.

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- c. Within business parks, bicycle and pedestrian circulation systems may be installed within the required front landscape yard of properties in the park.
- (b) *Procedure.*
- (1) The zoning administrator shall review and make a determination in writing regarding the applicability of these provisions to any particular development at the time that a preliminary site plan or subdivision plan is submitted for review to the county.
 - (2) In making a determination regarding the applicability of these provisions to any proposed development, the zoning administrator shall specifically review the following:
 - a. The adequacy of the proposed restrictive and protective covenants in promoting and ensuring an aesthetically pleasing "park-like" environment.
 - b. Compatibility of the proposed design with the policies established within the comprehensive plan.
 - c. The provision of safe and convenient pedestrian and vehicular circulation and access.
 - d. The adequacy of all proposed landscaping and screening or the ability to provide adequate landscaping and screening.
 - e. Those features which serve to clearly differentiate the proposed park from typical office or industrial subdivisions.
 - (3) The restrictive and protective covenants required herein shall be recorded contemporaneously with the first plat.
 - (4) A traffic impact analysis prepared in accordance with article II, division 5 of this chapter shall be submitted to the county and the Virginia Department of Transportation at the time of application. The recommendations of said analysis shall, unless specified otherwise by the Virginia Department of Transportation or the zoning administrator, be fully implemented.
 - (5) The zoning administrator may deny requests for approval of business parks upon finding that such proposal does not meet the purposes, intent, or standards established herein, or when such proposal would not be in accord with adopted plans or policies, or would be incompatible with existing and planned land uses, or would create adverse traffic congestion and conditions beyond that which could occur as a matter of right, or would not be in furtherance of the public health, safety, or welfare.
 - (6) Final plats recorded for a business park and all deeds for lots within such development shall bear a statement indicating that the land is within an approved business park and shall specifically reference the existence of the restrictive and protective covenants.

Sec. 24.1-502. Information required on site plans.

- (a) *Certification.* Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect, land surveyor or landscape architect licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license.
- (b) *Scale.* Site plans shall be prepared to an engineer's scale appropriate to the lot size and intensity of use, and acceptable to the zoning administrator. Sheet size shall be twenty-four inches by thirty-six inches (24" × 36"); however, the zoning administrator may approve different sheet sizes in advance of plan submission.
- (c) *Site plan title sheet.* The site plan title sheet shall contain the following information:
 - (1) Title Block.

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- a. Project Name.
 - b. Name, address and telephone number of the firm or individual preparing the site plan.
 - c. Scale of site plan.
 - d. Date of preparation of site plan; and dates and descriptions of all revisions.
- (2) Location of tract by an insert map at a scale of not more than one inch equaling two thousand feet (1" = 2,000') showing landmarks sufficient to clearly identify the location of the property.
 - (3) A general information section indicating the number of sheets comprising the site plan, and an index showing the locations of the various sheets.
 - (4) Rezoning proffers, special use permit conditions, wetlands permits and waivers or variances granted shall be referenced with both application number and resolution or ordinance number noted.
 - (5) The zoning of the parcel.
 - (6) Table of statistical information, including:
 - a. Total area.
 - b. Area and percentage of total of existing buildings.
 - c. Area and percentage of total of proposed buildings.
 - d. Area and percentage of total of lot coverage (amount of impervious cover).
 - e. Surface area and percentage of total lot area of parking and loading areas.
 - f. Area of disturbance.
 - g. Area and percentage of total occupied by landscaped open space.
 - (7) A blank space four inches by six inches (4" x 6") shall be reserved for the use of the county on the lower right hand corner of the title sheet.
- (d) *General information required.*
- (1) Seal and signature, on each sheet, by the Virginia registered professional engineer, land surveyor, landscape architect or architect responsible for its preparation. One (1) copy of the plan set shall be submitted with original signature on each sheet.
 - (2) The owners, present zoning and current use of all abutting or contiguous parcels.
 - (3) The boundaries of the property by bearings and distances which shall be tied to the county geodetic control network, including both horizontal and vertical control.
 - (4) Existing topography with a maximum contour interval of two feet (2') except that where existing ground is on a slope of less than two percent (2%), either one-foot (1') contours or spot elevations shall be provided where necessary, but not more than fifty feet (50') apart. Topographic mapping shall identify all significant vegetation, natural features, rock outcroppings, existing cultural features, and shall be supplemented with full verification and location of all underground structures, utilities and public improvements located on or impacting the development of the property.
 - (5) Soil types as identified in the USDA Soil Conservation Service publication *Soil Survey of James City and York Counties and the City of Williamsburg*, or the Unified Soil Classification System, or by a professional acting within their area of competence and specifically denoting graphically any areas containing soils rated "Moderate" or "Severe" or which do not have sufficient load bearings for the type of development proposed. The presence or absence of "shrink-swell" and similar soils shall be noted on the face of the plan.

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- (6) North arrow.
 - (7) All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the closest one-hundredth of a foot (0.01').
 - (8) Geometric location data for all public rights-of-way, geographic control monuments, common areas, utility centerlines and easements, structures and lot lines.
 - (9) A development phasing plan if the proposed project is to be constructed in two or more phases.
 - (10) If the site plan is shown on more than one sheet, match lines shall clearly indicate where the several sheets join and an index shall be shown locating the sheets.
 - (11) Building restriction lines and required setbacks.
 - (12) A Natural Resources Inventory of site conditions and environmental features as specified in Chapter 23.2.
- (e) *Existing features.*
- (1) The location, height, first floor elevation, floor area and use of all existing buildings and structures, and their distance from all property lines and from each other.
 - (2) All existing streets, utilities, fire hydrants, easements, and watercourses, and their type, names and widths. Recordation information shall be given for all easements and for other features as appropriate. For existing public streets, both right-of-way and pavement widths shall be noted as well as state route numbers and posted speed limits.
 - (3) Existing natural land features, trees, water features and all proposed changes to these features shall be indicated on a "landscape plan" (see article II, division 5). Land features shall include soil types and limitations. Water features shall include ponds, lakes, streams, wetlands, floodplains, drainage areas and stormwater retention areas.
 - (4) The location, type, and extent of the following features. In addition, the gross acreage and percentage of the total of the following physical land units shall be tabulated and computed by accurate planimetric methods at the site plan scale:
 - a. Slopes more than twenty percent (20%) but less than thirty percent (30%)
 - b. Slopes thirty percent (30%) or greater.
 - c. 100-year Floodplains.
 - d. Lands below the four foot (4') contour.
 - e. Jurisdictional (as defined by U. S. Environmental Protection Agency and confirmed by the U. S. Army Corps of Engineers) wetlands, both tidal and nontidal.
 - f. Existing water features (bodies of water, drainage channels, perennial and intermittent streams, etc.).
 - g. Major utility easements or rights-of-way including above ground electric transmission line easements.
 - h. Site specific location of Chesapeake Bay Resource protection and resource management areas.
 - i. Natural heritage resource areas identified in the document entitled, *Natural Areas Inventory of the Lower Peninsula of Virginia* and their degree of significance as identified in the same document.

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- j. Portion or portions of the property located within the Watershed Management and Protection overlay district (WMP).
 - (5) The location, type and extent of all known or suspected cultural resources, including underground resources. If architectural or archaeological studies have been performed on the site, two (2) copies of each relevant study shall be submitted with the site plan.
 - (f) *Proposed improvements.*
 - (1) The location and use of all proposed buildings and structures and their distance from all property lines and from each other.
 - (2) Proposed building(s) height, first floor elevation and area.
 - (3) Proposed streets, utilities and easements, their types, names and widths.
 - (4) Written schedule or data as necessary to demonstrate that the site can accommodate the proposed use, including: area occupied by each use; number of floors, height; and floor area for office, commercial and industrial uses. A development sequencing plan shall be presented with any project which is to be constructed in two (2) or more phases.
 - (5) Sufficient information to show that the physical improvements associated with the proposed development are compatible with existing or proposed development of record on adjacent properties which may include schematic plans for storm water management, utilities and transportation improvements.
 - (6) Proposed finished grading by contours to be supplemented by finished spot elevations and sectional design information.
 - (7) Locations, computations of percent and area of all open spaces; identification of areas for, and improvements to, all recreational facilities, including percent and area.
 - (8) Location and method of garbage, refuse and recyclables collection.
 - (9) Location and type of all proposed signage.
 - (10) Location and design of any retaining walls.
 - (g) *Landscape requirements.* A landscape plan, in accordance with article II, division 4 shall be provided.
 - (h) *Erosion and sediment control.* Provisions for the adequate control of erosion, runoff, and sedimentation, as required by chapter 10, *Erosion and Sediment Control*, of this Code, shall be indicated on the site plan. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.
 - (i) *Streets and parking.*
 - (1) Location of all off-street parking and loading spaces, handicapped parking spaces, bicycle parking, driveways, existing and proposed vehicular access for the site, entrance types, sidewalks and walkways, size and angle of parking bays and width of aisles and a specific schedule showing the number of parking spaces required by article VI and the number provided.
 - (2) Typical proposed roadway and parking area pavement cross-sections.
 - (3) Location of proposed street signs.
 - (4) Plans and profiles for all street improvements in public rights-of-way, including centerline elevations computed to the nearest one-hundredth of a foot (0.01') at fifty (50) horizontal station intervals and at other locations of geometric importance.
 - (5) Existing and proposed curb, gutter and sidewalks along all streets contiguous to the project.

(6) Site distances, both horizontal and vertical, at all proposed entrances.

(7) Entrance grades (in percent) noted.

(j) *Drainage.*

(1) Plans in accordance with adopted storm water management standards for the County. Stormwater management criteria consistent with the provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20), as they may be amended from time to time shall be satisfied.

(2) Plans of contributing drainage areas and the computed limits of the 100-year floodplain, with drainage way cross-sections and water surface elevation plotted on a profile of the pre- and post-development condition.

(3) Plans and profiles detailing the provisions for conveying the drainage to an adequate channel, pipe or stormwater system, indicating:

a. The location, size, type, lining material, slope and grade of ditches;

b. Drainage structures;

c. Pipes including type or class, size, location, slope, invert elevations, length and connections;

d. Verification of receiving channel, pipe or stormwater system adequacy;

e. Best management practices (BMP) and other stormwater management facilities including maintenance requirements, slopes, depths, access, cross-sections and other pertinent details.

(4) Calculations for both pre- and post-development drainage and storm water management specifying the source of the coefficients, time of concentration, and equations utilized and any modifications made thereto.

(5) Floodplain studies when required by the terms of the floodplain management area (FMA) overlay district.

(6) 100-year floodplain limits.

(7) Drainage divides and areas for both pre- and post-development conditions.

(8) 2-, 10-, and 100-year water surface elevations shown for stormwater management ponds.

(k) *Utilities.*

(1) Plans in accordance with adopted water and sewerage facilities standards for the county.

(2) Plans and profiles for all existing and proposed public utilities, including elevation computed to the nearest one-hundredth of a foot (0.01') at fifty (50) horizontal station intervals and at other locations of geometric importance.

(3) Location of all sanitary sewer lines and water lines verifying supply and receiving line adequacy, and showing all pipe sizes, type and grades.

(4) Location of all existing and proposed fire hydrants; and calculations verifying adequacy of fire flow when required by the director of public safety.

(5) The design, location, height, illumination intensity in footcandles, and luminaire type of all exterior lighting fixtures. The direction of illumination and methods to eliminate glare onto the adjoining properties must also be shown. Where questions or conflicts arise, the "ANS I/IE S Recommended Practice for Roadway Lighting" shall prevail.

(l) *Additional information.*

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- (1) Copies of all permits and determinations obtained from federal and state regulatory agencies and that are necessary for the development to occur as shown on the site plan shall be submitted with the site plan. This shall specifically include, but not be limited to, environmental permits, wetlands determinations, and sewage disposal permits.
 - (2) Any other additional information deemed necessary by the zoning administrator to render a decision on the proposal shall be provided or shown on the plan as appropriate.
- (m) *Format.* Site plans shall generally follow the format depicted in Figure V-1 (See Appendix A).
- (n) *Number of copies.* Plan submissions shall be clearly legible, blue or black line folded copies of the site plan and shall be accompanied by the appropriate application form and fee. No plan shall be deemed received until all relevant fees and applications are submitted. In addition, copies/sets of any supplementary reports or calculations (e.g., drainage calculations, traffic impact studies) shall be submitted with the plan submission. The number of copies of site plans and supplementary information/studies required shall be that number deemed sufficient by the zoning administrator to cover distributions to the relevant review departments/agencies and to provide a file copy to be maintained in the Development Services Division and the required number of copies shall be communicated in procedural information made available to prospective applicants by the Department.
- (Ord. No. 05-34(R), 12-20-05; Ord. No. 10-24, 12-21-10; Ord. No. 17-12, 9-19-17)

Sec. 24.1-607. Off-street parking design standards.

- (a) Required off-street parking spaces for single-family detached and duplex dwellings shall be a minimum of nine feet by eighteen feet (9' × 18') in dimension with a driveway which is constructed with an all-weather surface, affording safe and convenient access, and passable by emergency vehicles at all times.
- (b) Except as provided in section 24.1-607(e) all other parking spaces intended for use by the general public shall have minimum dimensions of nine feet by eighteen feet (9' × 18'), or ten (10) feet by twenty (20) feet if parallel. Where separate employee spaces are designated on the site and are situated in some manner as to be clearly distinguishable from the remaining spaces, such spaces may be designed with minimum dimensions of eight feet by sixteen feet (8' × 16').
- (c) Where parking spaces are arranged along a walkway, median or landscaped island of at least nine
(9) feet in width, a one and one-half foot (1.5') overhang credit may be deducted from the required length of the parking space. Where this credit is used, the adjacent landscaped island or walkway shall be increased in width by an equal amount.
- (d) All permanent off-street parking areas proposed in conjunction with any development other than single-family detached or duplex dwellings which is subject to the requirements of this chapter shall comply with the following design standards:
 - (1) Parking areas shall be constructed of concrete, asphalt or other equivalent permanent, dustless surface such as cobblestone, Belgian block, brick, grid pavers, interlocking pavers, or similar surface material.

The above provision notwithstanding, the zoning administrator may approve unpaved or gravel parking areas provided that a specific request, detailing the environmental conditions giving rise to the request, is submitted in writing at the time of plan submission. Said unpaved or gravel parking areas must be an integral part of an overall stormwater management plan for the project.
 - (2) Parking lots shall be set apart from landscaped areas by a permanent curb or wheel stop. In the event a parking lot is adjacent to a parking lot on another parcel and both lots are served by a joint entrance, the zoning administrator may approve a transfer of the required landscaped strip along the common

property line to another location on the site. In such situations, fifty percent (50%) of the area to be transferred shall be added to the landscaping otherwise required in front of the principal building on the site.

(3) Traffic aisles in parking lots shall conform with the following criteria:

Angle of Parking	Traffic Direction	Aisle Width*
parallel	One-Way	12 feet
30-degree °	One-Way	12 feet
45-degree °	One-Way	12 feet
60-degree °	One-Way	18 feet
90-degree °	Two-Way	24 feet

*Minimum width of traffic aisles in parking lots for two-way traffic shall be twenty-four (24) feet. Additional width may be required if needed for access of emergency vehicles.

- (4) Parking lots shall be designed and constructed so that spaces are grouped into bays separated by landscaped traffic islands each of which shall be surrounded by a curb. There shall be no more than fifteen (15) parking spaces in a row without an intervening landscaped island, provided however, that the zoning administrator may approve alternative arrangements where landscaped islands in other parts of the parking lot are enlarged to exceed the minimum dimensions specified below. Such islands and bays shall be designed to provide a clear delineation of circulation patterns, guide vehicular traffic, prevent unsafe diagonal movements through the parking lot, break large expanses of pavement into subareas to improve both the appearance and climate of the parking lot, minimize glare and noise, and delineate safe pedestrian walkways. The minimum size of any island shall be one hundred fifty (150) square feet with a minimum width of nine feet (9').
- (5) A minimum of seven and one-half percent (7.5%) of the total surface area in parking lots shall be maintained in traffic islands or other interior planting areas within the lot including all traffic islands provided or required herein. Any landscaping within or around the traffic aisles of such parking areas shall be maintained so as to prevent visual obstructions between the height of three feet (3') and six feet (6') where such obstructions could impair vehicular safety.
- (6) Landscaping of traffic islands and circulation control improvements, as required above, shall be provided in accordance with article II, division 4 and the following specifications:
- a. Existing mature trees and natural vegetation shall be protected and preserved during and after the development process in accordance with the provisions of section 24.1-242 wherever possible, particularly around the perimeter of parking areas.
 - b. At least fifty percent (50%) of the trees installed in parking lots shall have a minimum caliper of two and one-half inches (2-½").
 - c. Trees within landscaped strips located adjacent to parking spaces shall be placed at least four feet (4') from the face of curbs or wheel stops or at the corners of parking spaces in order to protect plant materials from damage.
 - d. The specific types and locations of landscaping materials selected for planting shall conform to the provisions of article II, division 4 of this chapter and shall be reasonably dispersed throughout the parking area.
- (7) Sidewalks shall be provided to facilitate safe and convenient pedestrian movements within and between such parking areas and the establishments which they serve. Sidewalks shall be designed in

accordance with all applicable barrier-free access standards as specified by the Virginia Uniform Statewide Building Code and the Americans with Disabilities Act.

- (8) Outdoor lighting shall be installed at appropriate locations to provide illumination for parking areas and pedestrian, bicycle and vehicular circulation routes and especially to establishments which will be patronized during non-daylight hours.
 - (9) Parking spaces for the physically handicapped, including lift-equipped van-accessible spaces, shall be provided and labeled on the plan in accordance with the numerical and design standards established for the physically handicapped and aged, by the Virginia Uniform Statewide Building Code and as specified in the Americans with Disabilities Act.
 - (10) All parking lots shall be visually screened from public street rights-of-way by means of landscaping which provides a visual screen of the parking lot throughout the year. Unless otherwise required by this chapter or by the terms of a special use permit, the buildings on the site need not be entirely screened.
 - (11) Outdoor storage and display shall not be permitted in *required* parking spaces. If outdoor storage and display is to be located in non-required parking areas, such area shall be delineated on the site plan and shall be located so that it does not impede traffic circulation on the site and does not create safety or visibility problems for vehicles and pedestrians using the parking lot.
- (e) In the case of parking lots containing twenty (20) spaces or more, the developer may elect to designate up to a maximum of twenty percent (20%) of such spaces for the use of compact cars. The minimum dimensions of such spaces shall be eight feet by sixteen feet (8' × 16') with traffic aisle widths remaining unchanged. Such spaces shall be located so as to be convenient to all major entrances of the proposed establishment and shall be clearly identified through appropriate signage and pavement markings as to their function.
 - (f) No certificate of zoning compliance or certificate of occupancy may be issued unless the following criteria are fully satisfied with regard to the approved parking plan:
 - (1) Such plan has been fully implemented on the site, including installation of landscaping, curbs, paving or other surface treatment, painting or striping to delineate individual spaces, installation of necessary regulatory, warning and directional signage, delineation of handicapped spaces and all other aspects required or shown on the approved plan; or
 - (2) Such plan, because of unanticipated weather conditions, cannot be fully implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the county in a form acceptable to the county attorney, and secured by a letter of credit, cash escrow or other instrument acceptable to the county attorney in an amount equal to the remaining cost of such implementation plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing improvements and vegetation. The zoning administrator shall determine, on a case-by-case basis, the minimum acceptable level of improvement necessary for issuance of a conditional certificate of zoning compliance under these circumstances.

(Ord. No. 03-42(R), 12-2-03)