

Chapter 34 ZONING¹

ARTICLE I. IN GENERAL

Sec. 34-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~2232 review means:~~

The review required by Code of Virginia, § 15.2-2232 for features not shown on the adopted master plan, including public utility facilities.

Abattoir or Slaughterhouse

A place where animals are slaughtered.

Abutting

Having a common border with, or being separated from such common border by right-of-way, alley or easement.

Access, pedestrian

The right to cross between public and private property, allowing pedestrians to enter and leave property.

Access, vehicular

A means of vehicular approach or entry to or exit from property, from a street or highway.

Accessory building

A subordinate building customarily incidental to and located upon the same lot occupied by the principal building. When an accessory building is attached to the principal building in such a manner, as by a wall or roof, such accessory building shall be considered a part of the principal building. An accessory building is no longer considered subordinate if it exceeds the size of the principal building.

~~Accessory use/structure means a~~

~~A use or structure of a nature customarily incidental and subordinate to, and on the same lot as the principal use or structure (i.e., sheds, utility buildings, detached garages, carports, swimming pools, etc.) and, unless otherwise specifically provided, shall not be allowed on property absent of a principal use or structure. Where a building is attached to the principal building, it shall be considered part thereof, and not an accessory building.~~

~~Acre, gross, means:~~

~~A measure of land equal to 43,560 square feet.~~

~~Acre, net, means:~~

Formatted: Indent: First line: 0"

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

¹State law reference(s)—Zoning, Code of Virginia, § 15.2-2280 et seq.

That part of the 43,560 square feet which exists after deducting land dedicated or conveyed for any public facility, easement or any right-of-way for any proposed streets or street widening.

Acreage ~~means a~~

A parcel of land, regardless of area, described by metes and bounds and which is not a numbered lot on any recorded subdivision plat.

Acreage coverage ~~means t~~

The total acres covered by PV pods, buildings, inverters, a substation, battery storage, ancillary equipment, and fencing around these items but excluding wildlife corridors, mandated setbacks, wetlands, and other avoided natural or cultural features outside of security fencing on the project site.

Addition

An extension or increase in floor area or height of a building or structure.

Administrator ~~means the official charged with the enforcement of this chapter~~

See "Zoning Administrator."

Adult bookstore

See "Sexually-oriented business." means an establishment having a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to specified sexual activities, or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult day care center

A facility which is either operated for profit or which desires licensure and which provides supplementary care and protection and promotes social, physical, educational and leisure activities during a part of a day only to four or more aged, infirm or disabled adults who reside elsewhere, except (a) a facility or portion thereof licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services and (b) the home or residence of an individual who cares for only persons related to him or her by blood or marriage. Unless exempt from licensing by statute, licenses for adult day care centers shall be obtained from the Commissioner of Social Services.

Adult day treatment facility

A non-residential facility licensed by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to Virginia Code § 37.1-179.1, which provides services to adults with mental illness, mental retardation or substance addiction or abuse during a part of a day only.

Adult mini-motion picture theater

See "Sexually-oriented Business." means an enclosed building with a capacity for not less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion picture theater ~~means a~~

An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas for observation by patrons therein.

Agricultural farm equipment sales/service

The sale or rental of new and/or used farm, forestry, and construction equipment, displayed and sold on the premises. This definition also includes repair and service of such equipment.

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Agricultural processing facility

One (1) or more of the operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plant or plant products into goods that are used for the intermediate or final consumption including goods for nonfood use.

Agricultural supply sales/service

An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

Agriculture

The use of land for the production of food and fiber, including horticulture, hydroponics, truck gardens, cultivation of field crops, nurseries, orchards, viticulture, livestock operations, dairy farms, and the use of heavy cultivating machinery, and irrigation machinery. This definition shall also include the following uses as accessory uses: grain dryers and related structures, the storage of fertilizer, the storage of petroleum, agricultural service towers and antennas, and the repair of personal farming equipment. ~~means the tilling of the soil, the raising of crops, practicing of horticulture, forestry, gardening, and the keeping of animals in quantities less than 150 animal units.~~

Airport ~~means a~~

A facility for the landing and takeoff of aircraft, together with servicing facilities including service to patrons, from which revenue is derived. The term "airport" includes private landing strips.

Alley

A public right-of-way that provides secondary service access for vehicles to the side or rear of abutting properties, in which affords only a secondary means of access to property abutting thereto.

Alteration ~~means a~~

Any change in the total floor area, use, arrangement of the structural parts, such as bearing walls, columns, beams, girders or interior partitions, as well as any change to the adaptability or external appearance, such as doors or windows or any enlargement to or diminution of an existing structure.

Amend or Amendment

Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone or zoning district; or any repeal or abolition of any map, part thereof or addition thereto.

Animal unit ~~means a~~

A unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in an animal feeding operation. The following scale will be used to calculate total animal units:

CHART: EQUIVALENT OF 300 ANIMAL UNITS

Type of Facility>	Number of Animals
Livestock	300 slaughter and feeder cattle
Livestock (swine)	750 swine breeding stock
Livestock (swine over 55 lbs.)	2,000 swine finishing hogs
Livestock (swine under 55 lbs.)	10,000 piglets (under 55 lbs.)
Livestock	150 horses
Livestock	200 mature milking cows
Poultry	15,000 turkeys
Poultry	30,000 laying hens

Formatted: Indent: First line: 0"

CHART: EQUIVALENT OF 1,000 ANIMAL UNITS

Type of Facility	Number of Animals
Livestock	1,000 slaughter and feeder cattle
Livestock (swine)	2,500 swine breeding stock
Livestock (swine over 55 lbs.)	6,667 finishing hogs
Livestock (swine under 55 lbs.)	33,333 piglets (under 55 lbs.)
Livestock	500 horses
Livestock	4,000 sheep, goats or lamb
Dairy	667 mature milking cows
Poultry	50,000 turkeys
Poultry	100,000 laying hens

Antenna and/or Satellite

A device in which the surface is used to capture an incoming and/or transmit an outgoing radio-frequency signal.

Apartment ~~means a~~

A dwelling unit located in a multi-family dwelling building used or intended to be used as the residence of three or more families living independently of each other.

Applicant ~~means a~~

The person or entity who submits an application to the locality for ~~consideration under this ordinance~~ a permit under article VII of this chapter.

Aquaculture

Land or activities devoted to the hatching, raising, harvesting and breeding of fish, shellfish and aquatic plants for sale.

Asphalt plant facility

A stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements, which may include any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within the stationary source.

Assembly Hall

See "Event Center."

Formatted: Indent: First line: 0"

Assisted living facility

Any congregate residential setting that provides or coordinates personal or health care services, 24-hour supervision and assistance (scheduled or unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (a) a facility or portion thereof licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, but including any portion of such facility not so licensed; (b) the home or residence of an individual who cares for or maintains only related to him or her by blood or marriage; (c) a facility or portion thereof serving infirm or disabled persons between the age of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to Virginia Code, § 22.1-214, when such facility is licensed by the Virginia Department of Social Services as a child caring institution under Chapter 10 of title 63.1 of the Code of Virginia, but including any portion of the facility not so licensed; and (d) any housing project for seniors or the disabled that provides no more than basic coordination of care services and is funded by the U. S. Department of Housing and Urban Development § 8, 202, 221(d)(3), 221(d)(4), 231, 236 or 811 housing, by the U. S. Department of Agriculture or by the Virginia Housing Development Authority. Included in this definition are two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Unless exempt from licensing by statute, assisted living facilities shall be licensed by the Commissioner of Social Services.

Auction establishment

A structure or enclosure where goods are sold by auction on a recurring basis. Expressly excluded from this use are non-recurring auctions of property, possessions, estates, and other items located at the premises where the auction is being conducted.

Automobile graveyard

See "Salvage Yard," means any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind incapable of being operated are placed.

Base flood elevation

The Federal Emergency Management Agency designated one-percent annual chance water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is 100-year flood or one-percent annual chance flood.

Basement

That portion of a building between a floor and ceiling, which is either wholly means a story having part but not more than one-half of its height below grade or has more than one-half of its height below grade. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes for the purpose of height regulations.

Battery energy storage facilities (battery facilities) means

One or more battery cells for storing electrical energy stored in a battery energy storage system ("BESS") with a battery management system ("BMS"). Facilities are generally used to supplement grid storage capacity. Battery facilities may be permitted as:

- (1) An accessory use to utility-scale solar facilities, other energy generation facilities, or substations; or
- (2) A primary use on a parcel contiguous to utility-scale solar facilities, other energy generation facilities, and substations.

Battery storage facility means

Formatted: Indent: First line: 0"

Formatted: Indent: First line: 0"

A type of energy storage power station that uses a group of batteries to store electrical energy as a source of power on electrical grids.

Bed and breakfast~~means-a~~

A single-family dwelling or portion thereof, in which lodging is provided by the owner or operator who resides in the premises. The use offers not more than where, for compensation, lodging and meals are provided for up to ten (10) bedrooms for short-term transient occupancy for compensation and where food service for resident guests is limited to breakfast only.

Blacksmith

A person who makes and repairs things in iron by hand.

Block

That property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets or the nearest intersecting street and railroad right-of-way, river or between any of the foregoing and any other manmade or natural barrier to the continuity of development.

Board of zoning appeals

The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in interpretation of this ordinance. In particular circumstances, the Board of Zoning Appeals is also authorized to grant variances to bulk regulations under the base zoning district provisions of the zoning ordinance, including minimum area, minimum height and minimum setbacks.

~~Boardinghouse means a building where, for compensation, lodging and meals are provided for at least five and up to 14 persons.~~

Brewery, distillery, cidery

An establishment for the production and packaging of alcoholic beverages, such as beer, liquor, cider, mead, etc., for distribution and which meet all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other accessory uses such as retail sales, tasting rooms, restaurants, etc., as permitted in the district and as long as the accessory uses do not exceed the primary use in floor area or value.

Brownfield~~means-f~~

Former industrial or commercial sites typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

Buffer or Bufferyard

A natural open space or landscaped area intended to separate and protect adjacent or contiguous uses or properties, including land uses abutting highly traveled highway corridors, from noise, lights, glare, pollutants or other potential nuisances.

Building or Structure~~means-a~~

Any structure having a roof supported by columns or walls used as a place of occupancy, storage or shelter for the housing or enclosure of persons, animals or property of any kind.

Building floor area

Formatted: Indent: First line: 0"

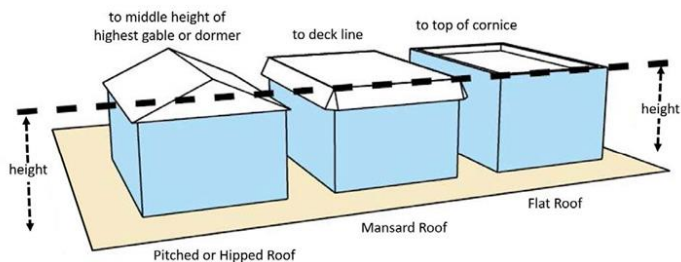
The total number of square feet area in a building, excluding uncovered steps, and uncovered porches, but including the basement and/or the total floor area of accessory buildings.

~~Building site means a piece of land consisting of the minimum area of required square footage of the zoning district where it is located where a permitted use or structure may be placed.~~

~~Building, height-of, means-~~

The vertical distance measured from the average finished grade or curb grade in front of the lot ~~level of the curb or the established curb grade opposite the middle of the front of the structure~~ to the highest point of the cornice of a flat roof, if a flat roof; or to the deck line of a mansard roof; or to the mean height of the highest level between the eaves and ridge of a gable or dormer in a pitched roof; hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Illustration of Building Height



Building line

A line parallel to the front property line of a yard beyond which the foundation wall and/or any enclosed porch, vestibule, or other enclosed portion of a building shall not project, except as provided for in this ordinance.

Building official

The person designated as the official responsible for enforcing and administering all requirements of the Uniform Statewide Building Code in Sussex County, Virginia.

~~Building, principal/main, means-a~~

A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

~~Building site means-a~~

A piece of land consisting of the minimum area of required square footage of the zoning district where it is located where a permitted use or structure may be placed.

Bulk regulations

Controls that establish the maximum size of buildings and structures on a lot or parcel and the buildable area within which the structure may be placed, including lot coverage, height, setbacks, density, floor area ratio, open space ratio, and landscape ratio.

~~Bulk storage means-a~~

Formatted: Indent: First line: 0"

Formatted: Indent: First line: 0"

Formatted: Font: Bold, Italic

Formatted: Font: Italic

A structure and/or structures designed for and used as storage facilities for oil, fuel oil, gas, grain, fertilizer, chemicals, usually stored in large quantities.

Bus Terminal

An off-road mass transit station with at least basic facilities where passengers can start and end their journeys, and a significant proportion of operators' revenue may be collected at these points.

By-right use

See "Permitted Use."

Cabaret means a

A n adult club, restaurant, theater, hall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

Camper

See "Recreational Vehicle." means a rigid dwelling unit, whether or not equipped with wheels, so designed as to be intermittently movable from place to place over the highway whether towed, self-propelled or carried upon another vehicle; and which is susceptible to permanent human habitation and which lack permanent cooking, toilet or bathing facilities.

Campground means a

A n area, upon which are located sites for two or more travel trailers, campers and other camping facilities for seasonal or temporary recreational occupancy.

Camping trailer

See "Recreational Vehicle." means a vehicular, portable structure mounted on wheels, constructed with collapsible, partial sidewalls of fabric, plastic, or other pliable materials for folding compactly while being transported.

Carport means a

A roofed space having one or more sides open to the weather, primarily designed or used to park motor vehicles. In no case shall a carport be located in any required front or side yard.

Carwash

A facility for the washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service carwashes.

Cellar means a

A story having more than one-half of its height below grade and which may not be occupied for dwelling purposes.

Cemetery

A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Certificate of occupancy

A document issued by the building official allowing the occupancy or use of a structure and certifying that the structure and/or site has been constructed and is to be used in compliance with all applicable plans, codes and ordinances.

Child care center

A child day program offered to (a) two or more children under the age of 13 in a facility that is not the residence of the provider or any of the children in care or (b) 13 or more children in any location. Child day centers must have an outdoor play area of at least 40 square feet per child enrolled, but with a minimum outdoor play area of 1,000 square feet regardless of the number of children enrolled. The play area must be enclosed by a continuous fence not less than three feet in height which prevents children from leaving the premises and may not be located in the required front or side yard of the facility. This term includes day care centers, nursery schools and preschools. Unless exempt from licensing by statute, licenses for child day centers shall be obtained from the Commissioner of Social Services. means any facility or private home in which more than four children are received for care, protection and guidance during a part of the day, except children who are related by blood or marriage to the person who maintains the home.

Chord

A line segment joining any two (2) points of a circle.

Church

A use providing regular organized religious worship and related incidental activities within or out of a structure including accessory uses, such as day care and educational facilities.

Circuit court means:

The circuit court for the county.

Clinic

An institution, building, or part of a building where ambulatory patients receive health care. Included in this definition are urgent care facilities.

Club ~~private~~, means:

Buildings and facilities owned or operated by a corporation, association, fraternal/sororal organization, lodge, person or persons for members only and their guests for a meetings, social, educational or recreational purposes, but not primarily for profit and not primarily to render a service which is customarily carried on as a business, these associations and organization of a fraternal or social character not operated or maintained for profit, but t This term shall not include night clubs or other institutions operated as a business.

Co-location

The use of a single location structure and/or site by more than one (1) wireless communications service provider.

Combination use

A use consisting of a combination of one (1) or more lots and/or two (2) or more principal uses separately listed in the district regulations.

Commercial ~~means:~~

Any wholesale, retail or service business activity established to carry on trade for a profit.

Commercial accessory apartment

An apartment or apartments above or to the rear of a commercial use.

Commercial indoor amusement

Establishments which provide games of chance, skill or scoring other than an incidental use of the premises. Games would include pinball and video machines, pool and billiard tables, and other similar amusement, and also card games, bingo, and off-track betting. Typical uses include game rooms, pool halls, video arcades, bowling alley and bingo parlors.

Commercial indoor entertainment

Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, drama theaters, concert or music halls.

Commercial outdoor entertainment/sports and recreation

Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include motor vehicle, boat, motorcycle or animal racing facilities/complexes, drive-in movies, miniature golf, amphitheaters and outdoor amusement parks, motorized cart and motorcycle tracks, and motorized model airplane flying facilities. Professional and semi-professional athletic fields shall also be included in this use.

Commercial outdoor swimming pool and tennis facility

Outdoor pools or tennis facilities operated by a commercial entity that are open to the general public usually requiring membership or some form of payment.

Commercial vehicle

A vehicle designed to have more than two (2) rear wheels on a simple axle. This shall not apply to pick-up body type trucks, passenger van type vehicles, or to vehicles essential for an agricultural use associated with the premises.

Commission means:

The planning commission of Sussex the county.

Communication tower

A structure on which an antenna or dish is installed for the transmission, broadcasting or receiving of radio, television, radar, or microwaves, and similar types of devices. Included under this use type are aviation, radio, and cellular phone towers.

Community center

A place, structure, or other facility used for providing civic and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Community recreation

A recreational facility for use solely by the residents and guests of a particular residential neighborhood, including indoor and outdoor facilities. These facilities are proposed or planned in association with development and are usually located within or adjacent to such development. Such uses may include clubhouses, swimming pools, workout facilities, and tennis courts.

Formatted: Indent: First line: 0"

~~Concrete works means a structure or area used for the manufacture of concrete and concrete products.~~

~~Conditional use means a~~

~~A use listed as such in this ordinance chapter and which may be permitted in a specified district under certain conditions that make the use compatible with other uses permitted in the same zone or vicinity. Such conditions shall be determined in each case by the terms of this ordinance chapter and by the board of supervisors, after public hearing and report by the planning commission, in accordance with the procedures specified by this chapter and applicable state law.~~

~~Conditional use permit or CUP means a~~

~~A permit issued by the board of supervisors for a use allowed as a conditional use in a designed district after evaluation of the impact and compatibility of such use; such permit shall stipulate such conditions and restrictions, including any such conditions contained herein, as will ensure the use being compatible with the neighborhood in which it is to be located; or, where that cannot be accomplished, shall deny the use as not in accordance with adopted plans and policies or as being incompatible with existing uses or development permitted "by-right" in the area.~~

Condominium

~~A building or group of buildings containing three (3) or more residential units in which the units are owned individually and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis and which has been created by the recordation of condominium instrument pursuant to the provision of Chapter 4.2 of the Title 55 of the Code of Virginia.~~

~~Conservation Area/Nature Preserve
An area of land that is protected and managed in order to preserve a particular type of habitat and its flora and fauna which are often rare or endangered. This definition includes, wildlife refuges, game preserves, sanctuaries, forest preserves and other conservation areas.~~

Construction office temporary

~~A trailer used as a temporary office during a construction operation. This use includes construction office trailers occupied in conjunction with a residential or nonresidential development. This use excludes residential construction on separately-owned, individual lots, not part of an overall residential development.~~

Construction sales and service

~~Establishments or places of business primarily engaged in retail or wholesale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding motor vehicle or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.~~

Construction yard

~~Establishments housing facilities of businesses primarily engaged in heavy construction and site development activities, excluding building construction, but including the outside storage of materials and equipment used for the business operations. Typical uses may include site work companies to include excavating and grading activities, roadway construction and utility companies, and other heavy construction companies.~~

Contractor office and storage facility

~~An establishment or place of business for a contractor engaged in building construction of residential or commercial structures including trades that assist in building construction or remodeling including carpentry, electrical, masonry, painting, metalworking, flooring installation, ductwork, plumbing, heating, air conditioning, roofing and other similar trades.~~

Convenience center

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

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 highly dependent on quick stops by work-related traffic and/or proximate developments or activities. A convenience store operation may also include self-service gasoline sales.

Country club

See "Club."

Court

An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

Crisis center

A facility providing temporary protective sanctuary for victims of crime or abuse, homelessness, including emergency housing during crisis intervention for individuals, including victims of such crimes, rape and abuse.

Cultural service

A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one (1) or more of the arts or sciences. Such uses shall include, but are not limited to, libraries, museums, art galleries, and art centers.

Custom manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, and the use of mechanical equipment commonly associated with residential or commercial uses or a single kiln. Typical uses would include pottery, cabinet or woodwork shops.

Dairy ~~means a~~

An operation or facility for the production and distribution of dairy products.

Dairy operation, general ~~means a~~

A dairy with accessory uses or structures including feed storage bins, litter storage sites, incinerators and manure storage sites which has at least 150 animal units but no more than 299 animal units, as referenced in the above chart, confined at the facility or operation.

Dairy operation, intensive ~~means a~~

A dairy facility with accessory uses or structures, including feed storage bins, litter storage sites, incinerators and manure storage sites, which has at least 300 or more animal units as referenced by the above chart, confined at the facility or operation. In no case shall a facility as defined herein exceed a cumulative total of 1,000 animal units.

Deck

A structure, without a roof or walls, directly adjacent to and providing access to a principal building, which has an average elevation of thirty (30) inches or greater from finished grade, and which is considered as part of the principal building.

Decommissioning and reclamation plan means a plan to disconnect, remove, and properly dispose of equipment, facilities, or devices and reclaim the site.

Development

Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, or storage of equipment or materials.

District

Any area in the county within which the zoning regulations are uniform.

~~Disturbance zone means t~~

The area within the site directly impacted by construction and operation of the facility.

Dock or pier

Any structure extending into a body of water and used for landing or launching watercraft, for fishing or for otherwise providing access to the water.

Dripline

A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Drive-in restaurant

A retail food dispensing and eating establishment where patrons are permitted to park cars on premises and food or drinks are served to patrons in cars.

Driveway

A roadway providing access for vehicles to a parking space, garage, dwelling, or other structure. A driveway serves only one (1) or two (2) lots.

~~Drug paraphernalia store means a~~

Any retail store selling paraphernalia commonly related to the use of any drug or narcotic, the sale, use or possession of which is subject to the provision of The Drug Control Act (Code of Virginia, § 54.1-3400 et seq.), including, but not limited to, water pipes, pipe "screens," "hashish" pipes, "roach clips," "coke," spoons, "bongs" and cigarette rolling paper, except that this shall not be deemed to include the sale of cigarette rolling paper by a store that also sells loose tobacco or the sale of prescription of implements needed for the use of prescribed drugs or narcotics.

~~Dwelling means a~~

Any structure or portion thereof occupied or intended to be occupied exclusively for residential purposes, including single-family, two-family, and multi-family, which is designed for use for residential purposes, except hotels, boardinghouses, lodgings, tourist cabins, apartments and automobile trailers.

Dwelling unit means one or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.

~~Dwelling, existing, means f~~

For the purpose of the residences in the A-1 General Agricultural District with one of the following:

- (1) A structure, designed for residential use, which is occupied on the date a completed application for a livestock, dairy or poultry facility permit is received by the office of the zoning administrator;
- (2) A structure, designed for residential use, which is not occupied on the date which a completed application is received, but which has been issued a certificate of occupancy or which has been occupied for any period of time within the two years immediately preceding the date on which a

Formatted: Indent: First line: 0"

Formatted: Indent: First line: 0"

Created: 2023-12-19 11:51:26 [EST]

completed application for a livestock, dairy or poultry facility permit is received by the office of the zoning administrator;

- (3) A structure designed for residential use which has a current building permit on the date a completed application for livestock, dairy or poultry facility permit is received by the office of the zoning administrator.

Dwelling, multiple-family, ~~means a~~

A structure arranged or designed to be occupied by three or more families, the structure having three or more dwelling units *exclusively independent of each other*.

Dwelling, single-family, ~~means a~~

A structure arranged or designed to be occupied by one family; the structure having only one dwelling unit.

Dwelling, single-family, attached or townhouse

One of a series of three (3) or more dwelling units separated from one another by common party walls without openings.

Dwelling, single-family, detached

A building designed for use, or occupied exclusively, by one family. Modular homes are included in this definition. Excluded from this definition are manufactured homes.

Dwelling, two-family or duplex, ~~means a~~

A structure arranged or designed to be occupied by two families, the structure having only two dwelling units *exclusively independent of each other*.

Educational facility, college/university

A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

Educational facility, primary/secondary

An educational institution authorized by the Commonwealth of Virginia to award associate, baccalaureate or higher degrees.

Electric power plant ~~means a~~

A facility designed and operated for the generation and distribution of electricity for the primary purpose of selling electricity generated to the electric power grid, including facilities which use fossil fuels, solar energy, hydroelectric energy, geothermal energy, biomass energy or wind energy as a resource. This definition does not apply to on-site generation equipment when such use is an accessory use.

Elevation

A vertical distance above or below a fixed reference point.

Equipment sales and service

Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, and similar industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

Event center

Formatted: Indent: First line: 0"

A multipurpose facility with flexible indoor/outdoor space, typically used for activities such as weddings, conventions, meetings, job fairs, and trade shows.

Facade

That portion of any exterior elevation of the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Family~~means~~

One or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit; or a number of persons, but not exceeding four persons, living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage.

Family Day Home

A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any other children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes must be licensed if they serve six through 12 children, exclusive of the provider's own children or other children residing in the home. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any other children who reside in the home unless the family day home is licensed or voluntarily registered. A family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. Unless exempt from licensing by statute, family day homes shall be licensed by the Commissioner of Social Services.

Farmer's Market

A market held in a structure or open area for the sale of seasonal produce such as meat, fish, fruits, vegetables, flowers and plants.

Fertilizer processing plant

A plant that uses an industrial process to manufacture a substance containing the chemical elements that improve growth and productivity of plants and that enhance the natural fertility of the soil or replace chemical elements taken from the soil by previous crops.

Flea market

Occasional or periodic commercial activities held in an open area or enclosed structure where groups of sellers rent space on a short-term basis to display, barter, or sell goods to the general public. A fee may be charged for expected buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. A flea market is composed of semi-closed or outdoor stalls, stands, or spaces.

Flood~~means~~

A general and temporary inundation of normally dry land areas.

Flood, 100-year~~means~~

A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

Floodplain~~means~~

Formatted: Indent: First line: 0"

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

A relatively flat or low land area, adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodway~~means-~~

The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purpose of this chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Floor area~~means-~~

The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior walls or from the centerline of party walls separating two buildings.

Forestry~~means-~~

The cultivating and selective clearing of woodland, including any industry or business which produces items from the wooded areas.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums maybe less expensive.

Frontage, lot

A linear measurement in feet of the front property abutting a street where the front boundary line of the lot and the street line are coincident.

Frontage, street

-All of the property on one side of a street between intersecting streets (crossing terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between and intersecting street and the dead end of the street the distance from which the front boundary line of the lot and the street line are coincident.~~means the distance from which the front boundary line of the lot and the street line are coincident.~~

Funeral Home

A business establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for funeral services, including any establishment known as a mortuary except for a morque.

Garage, private

An accessory building designed or used for the storage of private automobiles owned and used by the occupants of the building in which it is accessory.

Garage, public~~parking, means-~~

A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, leasing, selling or storing of motor vehicles.

~~Garage, private, means an accessory building designed or used for the storage of private automobiles owned and used by the occupants of the building in which it is accessory.~~

Garage apartment

Formatted: Indent: First line: 0"

An accessory dwelling unit on the same lot as a single-family detached dwelling that is clearly incidental and subordinate to the main use or a separate, complete dwelling unit that is substantially contained within the structure of, and clearly secondary to, a single-family dwelling.

Gasoline-filling station means a

An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery of fuel, lubricating oil and minor accessories for such vehicles, and the sale of cigarettes, candy soft drinks and other related items for the convenience of the motoring public, which establishment may or may not include facilities for lubricating, washing, minor repairs or otherwise servicing motor vehicles, but not including auto body work, welding, painting or major repair work. May include the sale of propane or kerosene as an accessory use. No more than two (2) abandoned vehicles or other motor vehicles shall be stored on the premises.

General store, country means a

A single store, the ground floor area of which is 4,000 square feet or less and which offers for sale primarily, most of the following articles; bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store.

Golf course

A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par three (3) and mini-golf courses.

Governmental service

Governmental officials providing administrative, clerical or public contact services that deal directly with the citizen. Typical uses include federal, state and county offices.

Grade

The average level of the finished surface of the ground adjacent to the exterior walls of the building.

Greenhouse, commercial

Establishments engaged primarily in the retail sale of trees, shrubs, seeds, fertilizers, pesticides, plants, plant materials, and garden supplies, primarily for agricultural, residential and commercial consumers.

Greenhouse, private

The growing and storage of garden plants, shrubs, trees, flowers, vegetables, and other horticultural and floricultural products within a building whose roof and sides are made of glass or other transparent or translucent material. Items grown are used and/or consumed by the occupants of the premises.

Group home means:

(1) —A dwelling unit residential facility in which no more than eight mentally ill, mentally retarded or developmentally disabled persons, individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, but not including persons whose —For the purposes of this definition, mental illness and developmental disability entails shall not include current illegal drug use or addiction to a controlled substance, as defined in Code of Virginia, § 54.1-3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this definition, the term "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to state law.

Formatted: Indent: First line: 0"

Formatted: Normal

Created: 2023-12-19 11:51:26 [EST]

(2) ~~A residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this definition, the term "residential facility" means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the department of social services is the licensing authority pursuant to state law.~~

Guest house

Temporary living quarters within a detached accessory building located on the same premises with the main building for use by nonpaying guests of the occupants of the premises and not rented or otherwise used as a separate dwelling and not containing kitchen facilities.

Halfway house

An establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol or drug addiction or similar disorders, and/or to persons re-entering society after being released from a correctional facility or other institution.

Home occupation ~~means an occupation~~

A home business carried on by the occupant of a dwelling as a secondary use in connection with the provision of goods and/or services without disturbing the residential character and nature of the surrounding neighborhoods and conducted in compliance with Article XXIV (Sections 34-421 et seq.) and other applicable provisions of the Zoning Ordinance, which there is no display, and no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale and similar activities; professional offices such as medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant.

Hospital

A building or group of buildings, having room facilities for one or more patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

Hotel ~~means a~~

A building in which lodging or boarding and lodging are provided for persons primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms, building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

Industry, type 1

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included would be

assembly of electrical appliances, bottling and printing plants, the manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemicals, and the production of items made of stone, metal or concrete.

Industry, type 2

Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw material such as chemicals, rubber wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

Industry, type 3

An establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is refined, natural and liquid and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides, fertilizers and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity.

Integrated PV ~~means~~ p

Photovoltaics incorporated into building materials, such as shingles.

Intensive livestock operation/Commercial feedlot

A lot, yard, structure, corral or other area subject to any applicable regulations administered and enforced by the Virginia Department of Environmental Quality in which livestock is confined, primarily for the purpose of feeding, growing, raising, holding, and birthing, prior to slaughter or sale. Included in this description are commercial feedlots, commercial poultry houses, and other similar intensive livestock operations.

Junk

All scrap materials, discarded equipment and household items, parts of vehicles, pieces of watercraft, and similar materials.

Junkyard means an establishment or place of business, or an area 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

A soundproof enclosure or structure wherein dogs or cats or a combination thereof are kept for compensation for the purpose of breeding, hunting, training, renting or showing from which they cannot escape. It shall not mean a structure, wall or fence used to demarcate a property line.

Kennel, private

The keeping, breeding, raising, showing or training of dogs for personal enjoyment of the occupants for which commercial gain is not the objective.

Landfill, sanitary

The use of land for the legal disposal of municipal solid waste derived from households, business and institutional establishments, including garbage, trash, and rubbish, and from industrial establishments, other than hazardous wastes as described by the Virginia Hazardous Waste Regulations.

Landfill, solid waste or local solid waste disposal facility

Formatted: Indent: First line: 0"

An engineered land burial facility for the disposal of non-hazardous industrial wastes, which is so located, designed, constructed and operated to contain and isolate the industrial waste so that it does not pose a substantial present or potential hazard to human health or the environment: provided however, any solid waste disposal facility accessory to an electric generation plant approved pursuant to Sec. 16-371 (20) shall not be deemed to be a local solid waste disposal facility. By definition a local solid waste disposal facility shall be restricted to receive industrial waste from a single industrial or commercial operation located within the County and in close proximity to the facility. (Ord. amendment #2001-04)

Lawn and garden services

Establishments primarily engaged in performing a variety of lawn and garden services, including Bermuda sprigging services, cemetery upkeep, garden maintenance, garden planting, lawn care, lawn fertilizing services, lawn mowing services, lawn mulching services, lawn seeding services, lawn spraying services, lawn sprigging services, mowing highway center strips and edges, seeding highway strips, sod laying and turf installation.

Library

See "Cultural Service." means a place set apart to contain books and other literary material for reading, study, or reference, for use by members of a society or the general public.

Life care facility

A residential facility and/or development primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home-type care, where all related uses are located on the same parcel. Such facility may include other services integral to the personal and therapeutic care of the residents.

Live/work unit

A live/work unit is defined as single unit consisting of both commercial space or office and a residential component that is occupied by the same resident.

Livestock means a

All domestic or domesticated bovine animals, including, but not limited to, cattle; equine animals, including, but not limited to, horses, ~~hogs~~; ovine animals, including, but not limited to, sheep, porcine animals, ~~including, but not limited to and~~ hogs.

Livestock, dairy or poultry facility, existing means a

Only for the purpose of determining residential setbacks in the A-1 General Agricultural District, a livestock, dairy or poultry facility which is occupied or has been occupied by a livestock raiser, dairy or poultry facility for any period of time within the two years immediately preceding the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the livestock facility, dairy or poultry facility.

Livestock operation, general means a

A livestock facility with accessory uses or structures, including feed storage bins, litter storage sites, incinerators and manure storage sites which has at least 150 animal units but no more than 299 animal units, as referenced in the above chart, confined at the facility or operation.

Livestock operation, intensive means a

A livestock facility with accessory uses or structures, including feed storage bins, litter storage sites, incinerators and manure storage sites which has at least 300 or more animal units as referenced by the above chart, confined at the facility or operation. In no case shall a facility as defined herein exceed a cumulative total of 1,000 animal units.

Livestock Market

A public market place consisting of pens or other enclosures where all classes of livestock or poultry are received on consignment and kept for subsequent sale, either through public auction or private sale.

Livestock raiser, dairy operator or poultry grower ~~means~~ *t*

The owner/operator of the livestock facility, dairy or poultry facility or the land on which the facility or dairy is located.

Local industrial solid waste disposal facility

See "Landfill, Solid Waste." means an engineered land burial facility for the disposal of non-hazardous industrial wastes, which is so located, designed, constructed and operated to contain and isolate the industrial waste so that it does not pose a substantial present or potential hazard to human health or the environment; provided however, any solid waste disposal facility accessory to an electric generation plant shall not be deemed to be a local solid waste disposal facility. By definition, a local solid waste disposal facility shall be restricted to receive industrial waste from a single industrial or commercial operation located within the county and in close proximity to the facility.

Lot ~~means~~ *a*

A parcel of land occupied, or to be occupied, by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot area as are required by this chapter, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by meets and bounds.

Lot area

The total horizontal area within the lot lines of the lot.

Lot line

A line dividing one (1) from another lot or from a street or alley.

Lot of record ~~means~~ *a*

A lot which has been recorded ~~into~~ the clerk's office of the circuit court.

Lot, corner ~~means~~ *a*

A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

Lot, depth ~~of~~ ~~means~~ *t*

The average horizontal distance between the front and rear lot lines.

Lot, double frontage ~~means~~ *a*

An interior lot having frontage on two streets.

Lot, interior ~~means~~ *a*

Any lot other than a corner lot.

Lot, width ~~of~~ ~~means~~ *t*

The average horizontal distance between side lot lines.

Manufacture and/or manufacturing ~~means~~ *t*

The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character or for use for a different purpose.

Manufactured/mobile home, ~~single- and double-wide means a~~

A structure intended for human habitation that is subject to federal regulation, is transportable in one or more sections, is eight feet or more in width or 40 feet or more in length, or when erected is 320 feet or more square feet in area. Such a structure is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation, when connected to the required utilities and contains plumbing, heating, air conditioning, and electrical systems. All such homes constructed since 1976 have been required to conform to the National Manufactured Housing Construction and Safety Standards Act of 1974. The term "mobile home," once widely used to describe transportable housing units, has been replaced in the Code of Virginia by the term "manufactured housing."

Manufactured home, temporary

A single-wide manufactured home used temporarily during the construction, repair or renovation of a permanent residential structure on a single lot or parcel.

Manufactured/mobile home lot ~~means a~~

A unit of land used or intended to be used by one manufactured/mobile home, whether in a manufactured/mobile home park or not in a manufactured/mobile home park.

Manufactured/mobile home park, ~~major, means a~~

Any site, lot, field or tract of land divided into lots or spaces for rent designed to accommodate ~~ten or more~~ manufactured/mobile home units.

Manufactured/mobile home park, minor, means any site, lot, field or tract of land divided into lots or spaces for rent designed to accommodate two or more, but less than ten manufactured/mobile home units.

Manufactured Home Sales

Establishment primarily engaged in the display, retail sale, rental, and minor repair of new and used manufactured homes, parts, and equipment.

Marina

A use for docking or mooring of more than four (4) boats (excluding paddle or rowboats) or providing services to boats, including servicing and repair, sale of fuel and supplies, and provisions of lodging, goods, beverages. A yacht or boat club shall be considered a marina.

Mass gathering

See "Event Center."

Massage parlors ~~means a~~

Any place where manipulation of body tissues for remedial or hygienic purposes, or any other purpose are conducted and the owners and employees do not currently hold a valid physical therapist license issued by the state board of medicine.

Medical facility

Facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or service as a base for an ambulance stop. This use also includes groups of medical offices and establishments primarily engaged in research or testing activities, such as laboratories.

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Mini-storage facility

A commercial development of contiguous locked rental spaces to be individually leased by tenants for the purpose of storage of personal property.

Mixed-use development

Mixed use development is intended as an improvement over traditional segregated-use zoning. It derives from a positive vision of a more desirable community. A mixed-used development must be one in that the purpose is to spur community revitalization, increase affordable housing opportunities, promote pedestrian and bicycle travel, reduce auto dependency, roadway congestion, and air pollution by co-locating multiple destinations, promote a sense of community and promote efficient use of land and infrastructure.

Modular classroom

Portable, prefabricated buildings which are constructed off site and used as temporary facilities in relation to expanding educational facilities.

Modular home~~means a~~

A building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating or other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprising two or more industrialized building units and not designed for ready removal to, or installation or erection on, another site.

Motel

See "Hotel." means one or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Motor vehicle dealership

The use of a building, land area or other premises for the display of new and used automobiles, trucks and motorcycles for sale or lease, including warranty repair work and other major and minor repair service conducted as an accessory use.

Motor vehicle/outdoor storage

The outdoor storage of operable motor vehicles, and/or watercraft, except when used in conjunction with a bona-fide agricultural operation. Motor vehicles in this use shall include such items as cars, trucks, sports utility vehicles, motorcycles, watercraft, motor homes or RVs. This use shall specifically include vehicle impound areas for operable vehicles.

Motor vehicle parts/supply retail

Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments which offer minor automobile repair services, secondary and incidental to the primary use.

Motor vehicle, rental

Rental of motor vehicles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

Motor vehicle repair service, major

Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

Motor vehicle repair service, minor

Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services, automobile glass repair and similar repair and service activities where minor repairs and routine maintenance are conducted.

Mud Bog

A pit of mud used in the motor-racing sport of mud bogging.

Museum

See "Cultural Service."

New residential development

Any construction or building expansion on residentially zoned property, including a residential component of a mixed-use development, that results in either one (1) or more additional residential dwelling units or, otherwise, fewer, residential dwelling units, beyond what may be permitted by right under the then-existing zoning of the property, when such new residential development requires a rezoning or proffer condition amendment.

New residential use

Any use of residentially zoned property that requires a rezoning or that requires a proffer condition amendment to allow for new residential development.

~~Nonconforming activity means to the otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located.~~

Nonconforming building or structure

An otherwise legal building or structure that does not conform to the yard, height, maximum density or other bulk regulations, or is designed or intended for a use that does not conform to the use regulations, of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments.

Nonconforming lot ~~means a~~

An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located.

Nonconforming sign

Any sign which was lawfully erected in compliance with applicable regulations of the County and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Nonconforming site

An otherwise legal site for which existing improvements do not conform to the lot coverage, bufferyard, landscaping, parking and other site requirements set forth in the zoning or special overlay district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Nonconforming use

The otherwise legal use of a building or structure or a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

~~Nonconforming structure means an otherwise legal building or structure that does not conform to the lot area, yard, height, lot, coverage or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located.~~

~~Nursing home means a~~

A place devoted primarily to the maintenance and operation of facility for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

~~Office building means a structure wherein are employed a greater number of people than that allowed in professional offices and where there are not goods offered for sale.~~

~~Office, street parking area means a structure wherein are employed a greater number of people than that allowed in professional offices and where there are not goods offered for sale.~~

Office/institution

Use of a site for business, professional, medical or administrative offices, including banks and other financial institutions, medical offices, real estate, insurance, management, travel or other business, government offices, organization and association offices, law, architectural, engineering, accounting, corporate or other professional offices. This definition excludes hospitals, clinics, laboratories and other medical facilities.

Offsite proffer

A proffer addressing an impact outside the boundaries of the property to be developed and shall include all cash proffers.

Onsite proffer

A proffer addressing an impact within the boundaries of the property to be developed and shall not include any cash proffers.

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, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include structures, driveways, parking lots or other surfaces designed or intended for vehicular traffic.

~~Operator means t~~

The person responsible for the overall operation and management of a facility.

Organics recycling facility

See "Recycling Facility." means a facility that processes agricultural and horticultural residuals, municipal residuals, and/or industrial residuals using a controlled process of microbial degradation of organic materials into a stable, nuisance-free, humus-like agricultural and horticultural product. No toxic, hazardous or radiological residuals can be processed at an organics recycling facility.

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Owner~~means~~†

†The person who owns all or a portion of a facility or parcel of land.

Park and ride facility

A publicly owned, short-term parking facility for commuters.

Parking lot~~means~~‡

‡An open, unoccupied space used, or required for use, for the parking of automobiles or other private vehicles exclusively, and in which no gas or automobile accessories are sold or no other business is conducted.

Parking space~~means~~‡

‡A space used as an area for temporary storage of passenger vehicles. Such space shall be a minimum of ten feet in width and 20 feet in length, except that off-street parking facilities containing any parking spaces may use 20 percent of the total spaces as "compact car" spaces with a minimum size of 7½ feet in width and 15 feet in length. Such spaces shall be indicated by the posting of signs reading "small cars only."

Pawn shop

A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

Pen~~means~~‡

‡A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. ~~An enclosed pasture or range with an area in excess of 100 square feet for each hog or small animal, or 200 square feet for each larger animal shall not be regarded as a pen.~~

Permitted use

A use that is allowed without discretionary approval, i.e. "by-right", as long as all of the requirements of the zoning ordinance are met, including but not limited to all bulk, supplementary and overlay district regulations.

Photovoltaic or PV~~means~~‡

‡Materials and devices that absorb sunlight and convert it directly into electricity.

Planing mill facility

A facility that takes cut and seasoned boards from a sawmill and turns them into finished dimensional lumber. Machines used in the mill include the planer and matcher, the molding machines, and varieties of saws that smooth and cut the wood for many different uses.

Portable on demand storage units

Also known as a POD, a large container used for temporary storage. A POD is hauled to the property, loaded with items, hauled from the property and stored in a storage yard.

Post office

Postal services directly available to the consumer operated by the United States Postal Service.

Poultry~~means~~‡

‡All domestic or domesticated fowl such as chickens, ducks, geese, turkeys, etc.

Poultry operation, general,~~means a~~

A poultry facility with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead birds which has at least 150 animal units but no more than 299 animal units, as referenced in the above chart, confined at the facility or operation.

Poultry operation, intensive,~~means a~~

A poultry facility with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead birds which has at least 300 or more animal units as referenced by the above chart, confined at the facility or operation. In no case shall a facility as defined herein exceed a cumulative total of 1,000 animal units.

Principal building

A building or structure in which the primary or main use of the property on which the building is located is conducted and distinguished from an accessory or secondary building or structure on the same premises.

Principal use

A use which represents the primary or main use of the land or structure which is distinguished from an accessory use on the same premises.

Proffer

A condition voluntarily offered by the applicant and owner for a rezoning that limits or qualifies how the property in question will be used or developed. This definition includes cash proffers.

Proffer condition amendment

An amendment to an existing proffer statement applicable to a property or properties.

Public access easement

A right of ingress and egress over privately owned land to and from the premises of a lot owner(s) to a publicly maintained street, which right to enjoyment is vested in the public generally.

Public art

Items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.

Public facilities

Public transportation facilities, public safety facilities, public school facilities, or public parks.

Public facility improvement

An offsite public transportation facility improvement, a public safety facility improvement, a public school facility improvement, or an improvement to or construction of a public park. No public facility improvement shall include any operating expense of an existing public facility, such as ordinary maintenance or repair, or any capital improvement to an existing public facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility. For purposes of this definition, the term "public park" shall include playgrounds and other recreational facilities.

Public maintenance and service facility

A government owned or operated facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities.

Public park or playground

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Government owned and operated park, picnic area, playground, indoor or outdoor athletic facility, nature preserve and open space.

Public safety facility improvement

Construction or new law enforcement, fire, emergency medical, and rescue facilities or expansion of existing public safety facilities, to include all buildings, structures, parking, and other costs directly related thereto.

Public safety service

Facility for the conduct of safety and emergency services for the primary benefit of the public, whether publicly or privately owned and operated, including police and fire protection services, emergency medical and ambulance services, and helicopter landing sites.

Public school facility improvement

Construction of new primary and secondary public schools or expansion of existing primary and secondary public schools, to include all buildings, structures, parking, and other costs directly related thereto.

Public telecommunication facility

Any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes mail, telephone, wire, radio and all other means of communication. In addition to wire-based e-mail (e.g. on the Internet), computers can now communicate via microwave, FM-frequency, infrared and by other non-wire based media.

Public transportation facility improvement

(i) Construction of new roads; (ii) improvement or expansion of existing roads, and related appurtenances as required by applicable standards of the Virginia Department of Transportation; and (iii) construction, improvement, or expansion of buildings, structures, parking, and other facilities directly related to transit.

Public utility, community

A service of a regional nature which normally entails the construction of new buildings or structures such as generating plants and sources, electrical switching facilities, and stations or substations, community wastewater treatment plants, and water supply and production in excess of fifty thousand (50,000) gallons per day. Included in this definition are also electric, gas and other utility transmission lines of a regional nature that are not otherwise reviewed and approved by the Virginia State Corporation Commission.

Public utility, neighborhood

A service which is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are distribution lines and small facilities that are underground or overhead, such as transformers, relay and booster devices, remote switching stations, well water and sewer pump stations.

Professional office means the office, studio or professional room of a doctor, architect, artist, musician, lawyer or similar professional person, excepting any funeral home or any establishment where good are offered for sale.

Public and semi-public uses means any public works supplied generally by a governmental organization. Such public works shall include, but not be limited to: public roads, schools, water supply and sewer facilities, and police and fire protection facilities.

Public utilities means a group of uses which provide essential energy and communication services to the general public. These include but are not limited to: electrical, natural gas, water and sewer and telephone companies; their distribution and transmission lines; poles and towers; substations, pumping stations and storage facilities. By

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

~~definition, some of these activities are industrial in nature, although local distribution facilities usually are compatible uses in residential area.~~

~~PV pod means:~~

Contiguous rows of solar panels or other photovoltaic materials/devices, including the space between rows, fenced together in a group. A solar facility is typically comprised of multiple pods.

~~Rated capacity means:~~

The maximum capacity of a solar facility based on the sum total of each photovoltaic system's nameplate capacity.

Real estate office, temporary

A class A or B manufactured home, single-family home or other structure used on a temporary basis as a real estate sales office in conjunction with residential development. This shall not include residential on separately-owned individual residential lots, not part of an overall residential subdivision.

~~Reclamation means:~~

The employment, during and after an operation, of procedures reasonably designed to minimize as much as practicable the disruption from an operation and provide for the establishment of plant cover, stabilization of soil, protection of water resources, or other measures appropriate to the subsequent beneficial use of the affected lands. Reclamation shall comply with all state and federal regulations related to air quality, water quality and water law, and stormwater.

Recreation, active

Leisure activities, usually organized and performed with others, often requiring equipment and constructed facilities, taking place at prescribed places, sites or fields. The term active recreation includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

Recreation, passive

Recreation that involves existing natural resources and has a minimal impact. Such recreation does not require development of the site nor any alteration of existing topography. Such passive recreation shall include, but not be limited to, hiking, picnicking, and bird watching.

Recreational vehicle or travel trailer

A vehicle designed to be self-propelled or permanently towable, and not designed for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. This term shall also include watercraft and travel trailers.

Recycling facility

A specialized plant that receives, separates and prepares recyclable materials for marketing to end-user manufacturers.

Rehabilitation service

A use providing recuperative or similar services for persons requiring rehabilitation assistance as a result of physical, mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a twenty-four-hour day.

Reservoir

An artificial lake where water is stored. Most reservoirs are formed by constructing dams across rivers. A reservoir can also be formed from a natural lake whose outlet has been dammed to control the water level.

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Residentially zoned property

Property zoned or proposed to be zoned for either single-family or multifamily housing.

Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

~~Rest home, convalescent home means any place containing beds for two or more patients, established to render domiciliary care for chronic or convalescent patients, but not including child care homes or facilities for the cure of feeble-minded, mental, epileptic, or alcoholic patients, or drug addicts.~~

Restaurant means

An establishment engaged in the preparation of food and beverages for either take-out, delivery or table service. any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.

~~Retail stores and business means buildings for display and sale of merchandise at retail, but specifically exclusive of coal, wood or lumber yards.~~

Retail sales

Sale or rental with incidental service of goods and merchandise for personal or household use which is not otherwise specifically described in the listing of commercial uses contained herein. Such uses include bakeries, grocery stores, drugstores, clothing and shoe stores, pet stores, florists, pawn shops, restaurants, hardware and appliance stores, novelty stores, gas stations and convenient stores.

Retail service

Establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, grooming/boarding of pets, printing shops, seamstress, tailors, shoe repair, laundromat and dry-cleaning, massage therapy, fitness/training centers, dance studio, driving school, and nail salons.

Retreat center

A facility or space that offers a getaway from normal activities for periods of time, solitude, study, self exploration, passive recreation, etc. Activities may include a host, and individual, couple or small groups with overnight accommodations and other associated structures.

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.

~~Roominghouse means a dwelling in which, for compensation, lodging is furnished to three or more, but not exceeding nine guests; a boardinghouse.~~

~~Sanitary landfill means an engineered land burial facility for the disposal of solid waste, which is located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.~~

Salvage Yard

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Any lot or place engaged in the storage, sale, dismantling or other processing of previously used materials. Typical uses include paper and metal salvage, the outdoor storage of more than five (5) inoperable vehicles to include retail and/or wholesale sales of such vehicles, used automobile parts and supplies, used tire storage, and the storage and/or sale of other items generally defined as "junk".

Satellite

See "Antenna."

Sawmill

A factory in which logs are sawed into lumber by machine.

Sawmill, portable, means a

A portable sawmill for cutting timber grown primarily on the premises.

Screening

The act of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, wall, berms, or required planted vegetation.

Setback means a

The required minimum horizontal distance between the building line and the related front, side, or rear property line. A setback is meant from a street not a driveway distance by which any building or structure must be separated from the front of lot line.

Setback line

A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures or uses.

Sexually-oriented business

An establishment having a substantial or significant portion of its stock in trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material. This use includes any adult bookstore, adult mini-motion-picture theater, adult picture theater, cabaret, drug paraphernalia store, and internet sweepstakes cafe.

Shipping container

Primarily a metal container used to pack, ship and store goods. On land they are kept in shipping or storage yards.

Shooting range, outdoor

A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment.

Shopping center

A group of commercial establishments planned, constructed, and managed by one or more entities with customer and employee parking provided on site. There is generally a unified aesthetic appearance, landscaping, and signage in accordance with an approved site plan. A shopping center shall include any "out parcels" under separate ownership or lease which contain complementary commercial enterprises within the boundaries of the shopping center.

Shrub

Formatted: Font: Bold

Formatted: Indent: First line: 0"

Formatted: Font: Bold

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

A relatively low growing, woody plant typified by having several permanent stems instead of a single trunk.

Shrub, deciduous

Any shrub which sheds its foliage during a particular season of the year.

Shrub, evergreen

Any shrub which retains its foliage throughout the entire year.

Sign~~means a~~

Any device~~outdoor~~ (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, sign, display, device, figure or character) visible to and designed to communicate information to persons in a public area. However, the term "sign" does not include public art, holiday displays, or architectural features, except those that identify products or services or advertise a business use. The term "sign" also does not include the display of merchandise for sale on the site of the display, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from the highway.

Sign, business~~means a~~

A sign which directs attention to a product, commodity or service available on the premises.

Sign, canopy

A sign attached to a canopy.

Sign, directional~~means a~~

A sign (one end of which may be painted, or on which an arrow may be painted, indicating the direction to which attention is called) giving the name and approximate location only of the farm or business responsible for the erection of same.

Sign, fluttering

Inflatable tube dancers, air dancers, sky dancers and similar devices that rotate or move for the purpose of attracting attention.

Sign, face

The portion of a sign structure bearing the message.

Sign, freestanding~~means a~~

Any sign supported by an upright structural member or by braces on or in the ground and not attached to a building.

Sign, general advertising, means a sign which directs attention to a product, commodity or service not necessarily conducted, sold or offered upon the same lot where such sign is located. Such sign may also be referred to as billboards or poster panels.

Sign, off-premises

A sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

Sign, projecting

Formatted: Indent: First line: 0"

Formatted: Font: Italic

Any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

Sign, temporary

A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

Sign, wall,~~means-a~~

A sign affixed directly to, painted on or otherwise inscribed on an exterior wall or parapet; confined within the limits thereof of any building and which projects from that surface less than 12 inches at all points.

Silviculture

The practice of controlling the growth, composition/structure, and quality of forests to meet values and needs. Included in this definition is timber harvesting and production.

Site~~means-t~~

The entire area containing a facility.

Siting agreement~~means-a~~

An agreement entered into between the applicant and the county as defined in Code of Virginia, § 15.2-2316.

Slope

The degree of deviation of a surface from the horizontal, usually expressed as a percentage. Slope shall be measured as the vertical rise or fall to horizontal distance of terrain measured perpendicular to the contour lines at horizontal intervals of more than ten (10) feet.

Solar energy generating facilities (solar facilities)~~means-p~~

Photovoltaic devices, inverters, a substation, ancillary equipment, buildings, security fencing, access roads, setbacks and screening on the site.

Solar facility, community,~~means-a~~

A facility that generates electricity from sunlight that was not constructed by an investor-owned utility that will be part of an investor-owned utility's community solar pilot program. A community solar facility does not exceed two megawatts alternating current. This facility type is a subset of either rooftop, small-scale, medium-scale, or utility-scale solar facility.

Solar facility, floating,~~means-a~~

A floating facility that generates electricity from sunlight. This facility type is a subset of either small-scale, medium-scale, or utility-scale solar facility.

Solar facility, medium-scale,~~means-a~~

A ground-mounted facility that generates electricity from sunlight on a facility area between one to ten acres or having a rated capacity of between 250 kilowatts to one megawatt alternating current (excluding multi-family shared solar facility). Facilities are generally used to reduce on-site consumption of utility power for agricultural, commercial, and industrial applications.

Solar facility, multi-family shared,~~means-a~~

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

A ground-mounted facility that generates electricity from sunlight that was not constructed by an investor-owned utility and that will be part of an investor-owned utility's multi-family shared solar pilot program. A multi-family shared solar facility does not exceed three megawatts alternating current at any single location or that does not exceed five megawatts alternating current at contiguous locations owned by the same entity or affiliated entities, serves at least three subscribers, is connected to the electric distribution grid, and is located on a parcel of land on the premises of the multi-family utility customer or adjacent thereto.

Solar facility, power purchase agreement (PPA), means-

A facility that generates electricity from sunlight that was not constructed by an investor-owned utility and that will be part of an investor-owned utility's power purchase agreement solar pilot program. A facility has capacity of no less than 50 kilowatts and no more than three megawatts alternating current. This facility type is a subset of either rooftop, small-scale, medium-scale, or utility-scale solar facility.

Solar facility, rooftop, means-

A rooftop PV or integrated PV facility that generates electricity from sunlight as an accessory use.

Solar facility, shared, means-

A facility that generates electricity from sunlight that was not constructed by an investor-owned utility that will be part of an investor-owned utility's shared solar pilot program. A shared solar facility does not exceed five megawatts alternating current, serves at least three subscribers, has at least 40 percent of its capacity subscribed by customers with subscriptions of 25 kilowatts or less, is connected to the electric distribution grid serving the public, and is located on a single parcel. This facility type is a subset of either rooftop, small-scale, medium-scale, or utility-scale solar facility.

Solar facility, small-scale, means-

A ground-mounted facility that generates electricity from sunlight on a facility area of less than one acre or having a rated capacity of less than 250 kilowatts alternating current (excluding multi-family shared solar facility). These facilities are generally used to reduce on-site consumption of utility power for residential, agricultural, commercial, and industrial applications.

Solar facility, utility-scale, means-

A ground-mounted facility that generates electricity from sunlight on a facility area of not less than 65 acres based upon the 100 acre minimum area requirement contained in section 34-910(b)(1). In no case shall any utility-scale facility have a maximum coverage area more than 65 percent in accordance with section 34-910(b)(2). This size is approximately equivalent to a rated capacity of about one megawatt alternating current or greater (excluding multi-family shared solar facility). Facilities are generally used to provide electricity to a utility provider. These facilities typically include inverters, a substation, a switchyard, and a generator lead line (gen-tie line) to interconnect to a grid transmission line.

Special exception

A Special Exception is a permit for the use and repair or restoration of a nonconforming structure that is not allowed as a matter of right due to the nonconformity, but may be permitted on a case-by-case basis by the Board of Zoning Appeals depending upon the location and condition of the structure.

Special use

A use not specifically allowed under the zoning ordinance, and for which an application is made by a property owner to the administrator for such use. The administrator shall refer the application to the Planning Commission, which shall make its recommendations to the Board of Supervisors within 30 days. If the recommendation of the Planning Commission is approved by the Board of Supervisors, the district regulations shall be amended to list the use as a permitted use in that district, henceforth.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Created: 2023-12-19 11:51:26 [EST]

Special use permit ~~means a~~

A permit issued by the board of [supervisors, following a recommendation by the planning commission zoning appeals](#), for a [special use](#)~~selective-specified-reason~~; used only for that particular reason and only under the conditions specified [by the special use permit in this chapter](#).

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region;
 - b. Buttocks; and
 - c. Female breasts below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if complete and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Stable, commercial

[The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are horse and pony farms, riding stables, horse show area, and riding academies. A tack shop is also included in this use type as an accessory use.](#)

Stable, private

[The keeping, breeding or raising of horses or ponies, exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.](#)

Story ~~means t~~

[That portion of a building, other than the cellar, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the term "story" means the space between the floor and the ceiling next above it.](#)

Formatted: Font: Bold

Story, half ~~means a~~

[A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space, not more than two-thirds of the floor area, is finished for use.](#)

Formatted: Font: Bold

Street line ~~means t~~

[The diving line between a street or road right-of-way and contiguous property.](#)

Formatted: Font: Bold

Street, road ~~means a~~

[A public thoroughfare.](#)

Formatted: Font: Bold

Structure ~~means a~~

Formatted: Font: Bold

See "Building," anything constructed or erected, the use of which requires location on the ground, or attachment to something having a permanent location on the ground, except utility poles.

Tattoo parlor means a

Any place in which is offered or practiced the placing of designs, letter, scrolls, figures, symbols, or any other marks upon or under the skin or any person with ink or any other substance, resulting in the permanent coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

Taxidermy

A building where animal skins are prepared, stuffed and mounted for sale.

Tire storage facility

A site where used tires are stored or processed, other than (1) the site at which the tires were separated from the vehicle.

Towing service storage yard

An outdoor area or yard used by a tow service for the storage of inoperable, junk, or wrecked motor vehicles, with or without consent of the owner.

Tourist home means a dwelling where lodging only is provided for compensation for up to 14 persons (in contrast to hotels, boardinghouses and a bed and breakfast) and open to transients.

Townhouse

See "Dwelling, Single-Family, Attached," means a single-family dwelling unit, being one of a group of not less than three or more than ten units, with such units attached to the adjacent dwelling or dwellings by party walls, with lots, utilities, and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.

Transfer station

Any storage or collection facility which is operated as a relay point for municipal solid waste which ultimately is transferred to a landfill.

Trip generation

The number of trip ends caused, attracted, produced, or otherwise generated by a specific land use, activity, or development in accordance with the latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers.

Truck stop means a

An area, usually on or near a major thoroughfare, which has been designed for and is being used for the parking of tractor-trailers or other trucks. These areas, which are equipped with facilities to supply maintenance and fuel for these trucks, may also include motels and restaurants.

Truck terminal

A place where a trucking company is based and receives and disperses items for delivery, excluding permanent storage facilities. Truck terminals may include related fueling facilities, traffic routing offices, temporary truck storage areas, restaurants, wash racks, minor repair facilities, and related business offices and motels.

Variance means a

Formatted: Font: Bold

Formatted: Indent: First line: 0"

Formatted: Font: Bold

Formatted: Font: Not Italic

Formatted: Font: Bold

Formatted: Font: Bold

Created: 2023-12-19 11:51:26 [EST]

A waiver of certain dimensional and numeric requirements of this ordinance approved by the Board of Zoning Appeals where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for reasonable deviation from those provisions of this chapter regulating the shape, size, or area of a lot or parcel of land or the size, height, area and size of structure or size of yards and open spaces, establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts, bulk, or location of a building or structure when the strict application of this chapter would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the this chapter. The term "variance" does not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Veterinary hospital/clinic

Any establishment rendering surgical and medical treatment of animals. Boarding of animals shall only be conducted indoors, on a short-term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

Warehousing and distribution

Uses including storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses include storage warehouses, truck terminals and moving/storage firms.

Wayside stand, or roadside stand

A structure erected on the occupant's property used for the sale of agricultural or horticultural produce, livestock or merchandise produced on the farm by the owner or his family, ~~farmers' market means any structure or land used for the sale of agricultural and/or horticultural produce or other merchandise.~~

Watercraft

Any vessel that is used or capable of being used as a means of transportation on water and is propelled by machinery, whether or not the machinery is the principal source of propulsion, as defined by the Code of Virginia.

Wholesale Trade

A transitional stage involving the movement, storage and sale of bulk products to a retailer or consumer.

Workshop

An attached or detached building on the same lot as the primary dwelling where manual, mechanical, crafts, art, and other similar activities are conducted as a hobby and not primarily for compensation. Excluded from this definition is a Home Occupation, which is defined separately.

Yard ~~means a~~

An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (1) *Front.* An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, extending across the full width of the lot.
- (2) *Rear.* An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot, extending the full width of the lot.

Formatted: Font: Bold

Formatted: Font: Bold

Created: 2023-12-19 11:51:26 [EST]

- (3) *Side.* An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, extending from the front yard line to the rear yard line.

Zero lot line

The location of a structure on a lot in such a manner that one (1) of the structure's sides rest directly on a lot line.

Zoning administrator

The person designated as the official responsible for enforcing and administering all requirements of the Sussex County Zoning Ordinance, or his duly authorized designee.

Zoning, base district

Those base underlying zoning districts other than special overlay districts set.

Zoning, special overlay district

A district, which is placed over the existing base zoning and imposes additional restrictions.

(Code 1991, § 16-1; Ord. of 11-18-1988, §§ 13-1—13-106; Ord. of 7-19-1990(2); Res. of 1-21-1993; Ord. of 3-15-1995; Ord. of 3-16-1995; Ord. of 10-15-1998; Ord. of 10-16-1998; Ord. No. 99-04; Ord. No. 2001-04; Ord. No. 2005-01; Ord. of 2-17-2022, § 16-1)

Sec. 34-2. Adoption of chapter, map.

This chapter, together with the map accompanying the ordinance from which this chapter derives, is hereby adopted as the zoning ordinance of the county.

(Code 1991, § 16-2; Ord. of 11-18-1988)

Editor's note(s)—The zoning map is [maintained on the County's Geographic Information System \(GIS\)](#)~~kept in county offices.~~

Sec. 34-3. Purpose of chapter.

- (a) This chapter shall be for the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of the Code of Virginia, § 15.2-2200.
- (b) To these ends, this chapter is designed to give reasonable consideration to each of the following purposes, where applicable:
- (1) To provide for adequate light, air, convenience of access, and safety from fire, flood impounding structure failure, crime and other dangers;
 - (2) To reduce or prevent congestion in the public streets;
 - (3) To facilitate the creation of a convenient, attractive and harmonious community;

-
- (4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
 - (5) To protect against destruction of or encroachment upon historic areas;
 - (6) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other danger;
 - (7) To encourage economic development activities that provide desirable employment and enlarge the tax base;
 - (8) To provide for the preservation of agricultural and forest lands and other lands of significance for the protection of the natural environment;
 - (9) To protect approach slopes and other safety areas of licenses airports, including United States government and military air facilities;
 - (10) To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the county as well as a reasonable proportion of the current and future needs of the planning district within which the county is situated; and
 - (11) To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard.

(Code 1991, § 16-3; Ord. of 11-18-1988)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2283.

Sec. 34-4. Classification of districts.

For the purpose of this article, the unincorporated areas of the county are hereby classified into the following districts:

- (1) A-1 General Agricultural.
- (2) R-R Rural Residential.
- ~~(3) R-E Residential Estates.~~
- ~~(34) R-1 General Residential.~~
- ~~(45) R-2 Higher Density Residential. Manufactured/Mobile Homes.~~
- ~~(6) RR-MH Rural Residential Manufactured/Mobile Home District.~~
- ~~(57) B-1 Limited Business.~~
- ~~(68) B-2 General Business.~~
- ~~(9) B-3 Shopping Center District.~~
- ~~(710) I-1 Limited Industrial.~~
- ~~(811) I-2 General Industrial.~~
- (9) PUD Planned Unit Development District.

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(10) [R-MHP Manufactured/Mobile Home Park Residential District.](#)

(12) Floodplain Overlay District.

(Code 1991, § 16-4; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Secs. 34-5—34-26. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 34-27. Zoning administrator.

The zoning administrator is the designated official authorized by the board of supervisors to enforce the requirements and stipulations of this chapter. [The zoning administrator shall be vested and charged with the following powers and duties:](#)

- (a) [Receive and process, and review complete applications under the provisions of this chapter for transmittal and recommendation to the planning commission, board of zoning appeals, and board of supervisors.](#)
- (b) [Issue zoning permits pursuant to the provisions of this chapter and suspend or revoke any zoning permit upon violation of any of the provisions of this chapter or any approvals granted hereunder subject to the requirements of this chapter.](#)
- (c) [The zoning administrator shall keep records of all zoning permits issued under this chapter, maintain permanent and current records related to the chapter, including the official zoning map, amendments, conditional use and special use permits, variances, appeals, and development site plans; and, make annual reports and recommendations to the planning commission and board of supervisors on matters pertaining to this chapter. If this chapter requires approval by another agency of certain site plan features, such approval shall be obtained prior to issuance of a zoning permit, unless deemed unnecessary by the zoning administrator due to the scope and nature of the proposed project or development.](#)
- (d) [Whenever there shall be plans in existence, approved by either the state department of transportation or by the board of supervisors, for the widening of any street or highway, the zoning administrator~~commission~~ may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way, in order to preserve and protect the right-of-way for such proposed street or highway widening.](#)
- (e) [If the zoning administrator shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.](#)
- (f) [Conduct inspections and surveys to determine whether a violation of this chapter exists. The zoning administrator or his agent may present sworn testimony to a magistrate or court of competent](#)

Formatted: Indent: First line: 0"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

jurisdiction and, if such sworn testimony establishes probable cause that a zoning violation within a dwelling unit has occurred, may request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling unit for the purpose of determining whether violations of the zoning exist. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant pursuant to the section.

(g) Render interpretations, upon written request of an interested person whose property may be affected, as to applicability of this chapter to particular uses and its application to the factual circumstances presented. When such request is made by an applicant which is not the owner of the property in question, written notice of the request shall be provided to the owner of the property within ten (10) days of receipt of the application.

(1) Zoning map interpretations.....Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

a. Where district boundaries are indicated as approximately following or being at right angles to the centerlines of streets, highways, alleys or railroad main tracks, such centerlines, or lines at right angles to such centerlines, shall be construed to be such boundaries, as the case may be.

b. Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

c. If no distance, angle, curvature description or other means is given to determine a boundary line accurately, and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals which shall determine the boundary.

(h) Design and distribute applications and forms required by this chapter and request information which is pertinent to the requested approval.

(i) Perform such duties as are necessary for the proper enforcement and administrator of this chapter.

(j) In appropriate cases, allow for the refund of fees paid pursuant to this zoning ordinance upon certification by the zoning administrator of the need for such refund and approval by the county administrator.

~~If the zoning administrator shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes, discontinuance of any illegal work being done, or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.~~

~~(Code 1991, § 16-271; Ord. of 11-18-1988, § 12-1)~~

State law reference(s)—Zoning administrator authorized, Code of Virginia, § 15.2-2286(A)(4).

Sec. 34-28. Zoning permits.

(a) A zoning permit shall be required for the erection, construction, reconstruction, moving, adding to, enlargement or alteration of any structure, or the establishment of any land use, except for bona fide agricultural uses, such as raising of crop or livestock, permitted by right under the provisions of this

Formatted: Indent: First line: 0"

~~chapter. Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the zoning administrator.~~

~~(1) Nothing contained herein shall require any changes in the plans or construction of any building or structure for which a permit was granted prior to the effective date of the ordinance from which this chapter is derived. However, such construction must commence within 31 days or one month after the ordinance from which this chapter is derived becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.~~

~~(b) No permanent sign may be erected without first obtaining a zoning permit in accordance with this chapter.~~

~~(c) No building or other structure except accessory farm structures shall be razed, demolished, or removed, either entirely or in part, nor shall any of said activities be commenced, without a zoning permit.~~

~~(c) All applications for permits under this chapter must be complete before the application is to be considered. An application is complete when it contains all of the information that is necessary to decide whether or not the development if completed as proposed, will comply with all requirements of this chapter.~~

~~(d) All prescribed application or permit fees as shall be set forth by the Sussex County Fee Schedule, as adopted by the board of supervisors, as it may be amended, must be paid.~~

~~(e) All real estate taxes and any outstanding fees or charges must be current at such time an application is submitted for any activity regulated under this ordinance.~~

~~(b) The planning commission may require a review of the zoning permit approved by the zoning administrator, in order to determine if the contemplated use is in accordance with the district in which the construction lies.~~

~~(f) Each application for a zoning permit shall be accompanied by three copies of a scale drawing. The drawings shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land and the location of such building or use, with respect to the property lines of such parcel of land to the right-of-way of any street or highway adjoining such parcel of land. Any other information which the zoning administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this chapter, a permit shall be issued to the applicant by the zoning administrator. One copy of the drawing shall be returned to the applicant with the permit.~~

~~(g) Compliance with the Sussex County Erosion and Sediment Control Ordinance....No excavation or land disturbance associated with any structure or use shall begin until such time as an erosion and sediment control plan is reviewed and approved by the department of planning and zoning and, if applicable, a permit for such disturbance is issued.~~

~~(h) Compliance with the Sussex County Subdivision Ordinance....Any newly created parcel, lot or tract shall comply with the provisions of this chapter and the subdivision ordinance.~~

~~(i) Any use permitted by this chapter shall comply with all appropriate state and federal permitting requirements.~~

~~(j) Additional approvals/permits may be required to enforce the provisions of this chapter. If required, such approvals/permits shall be obtained prior to issuance of a zoning permit, unless deemed unnecessary by the zoning administrator due to the scope and nature of the proposed project or development.~~

~~(k) All departments, officials and public employees of the county, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if used in conflict with the provisions of this chapter, shall be null and void.~~

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(Code 1991, § 16-272; Ord. of 11-18-1988, § 12-2-1)

Sec. 34-29. ~~Certificate of occupancy~~Exempt from zoning permit.

The following uses do not require a zoning permit for erection, construction, reconstruction, moving, adding to, enlargement or alteration:

- (a) Streets.
- (b) Electric power, telephone, cable television, gas, water, and sewer lines, street lights, wires or pipes, together with supporting, poles or structures, and traffic control signs located within a public right-of-way.

Sec. 34-30. Expiration of zoning permit approval.

All permits shall expire automatically if, within six (6) months after the issuance of such permits:

- (a) The use authorized by such zoning and/or other permit has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
- (b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of six (6) months, then the permit authorizing such work shall immediately expire.

Sec. 34-31. Certificate of occupancy.

No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, until a certificate of occupancy shall have been issued by the building official.

- (a) The building official at his discretion may issue a temporary certificate of occupancy with a recommendation from the zoning administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion in accordance with general rules or regulations concerning such additional conditions and/or safeguards as are necessary, in the circumstances of the case, to protect the safety of the general public. The certificate of occupancy recipient may be required to provide a performance bond or other security satisfactory to the zoning administrator and approved as to form by the county attorney to ensure that all of the requirements of this chapter will be fulfilled within a reasonable period determined by the zoning administrator.
- (b) A final certificate of occupancy may be issued for any appropriate complete building or part of a building located in a part of the total area or any approved site plan, provided:
 - (1) The other on-site construction and improvements included in the approved site plan for the section have been inspected and accepted by the county and other appropriate agencies and, at the discretion of the zoning administrator, a certified "as built" site plan has been submitted for review and approval prior to the proposed date of occupancy.
 - (2) The off-site improvements related to and necessary to serve the section have been completed, inspected and accepted by the county, the Virginia Department of Transportation or other appropriate agencies; and the developer has submitted a certified "as built" drawing for the section; or the developer has provided surety acceptable to the zoning administrator and approved as to form by the county attorney.

Land may be used or occupied and buildings structurally altered or erected may be used, or changed in use, only after a certificate of occupancy has been issued by the building official. Such a permit shall state that the building

Formatted: Block 1

Formatted: Block 1, Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:
Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: 12 pt, Bold

Formatted: Block 1

Formatted: Font: 12 pt, Bold

Formatted: Block 1, Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:
Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: 12 pt, Bold

Formatted: Block 1

Formatted: Block 1, Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:
Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Block 1, Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment:
Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Indent: First line: 0"

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

or the proposed use, or the use of the land, complies with the provisions of this chapter. A certificate of occupancy either for the whole or part of a building shall be applied for simultaneously with the application for a zoning permit. The certificate shall be issued within ten days after the erection or structural alteration of such building or part has conformed with the provisions of this chapter.

(Code 1991, § 16-273; Ord. of 11-18-1988, § 12-2-2)

Sec. 34-32. Complaints and violations.

Whenever the zoning administrator receives a written, signed complaint or a duly completed complaint form alleging a violation of this ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the complainant of what actions have been or will be taken.

Formatted: Block 1

(a) Persons liable.The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.75"

(b) Procedures upon discovery of violations.

(1) If the zoning administrator finds that any provision of this ordinance is being violated, a written notice shall be forwarded to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

(2) In cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the zoning administrator may seek enforcement without prior written notice by posting an order to "cease and desist", and by invoking any of the penalties or remedies authorized in this ordinance.

(3) The zoning administrator in consultation with the county attorney may pursue other legal remedies as may be necessary.

(c) Penalties and remedies for violations.

(1) Violating, causing or permitting the violation of, or otherwise disregarding any of the provisions of this chapter by any person, firm or corporation, whether as principal, agent, owner lessee, employee or other similar position, shall be unlawful and is subject to the following:

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.75"

Formatted: Indent: Left: 0.75", Hanging: 0.25"

a. Criminal sanctions.Upon conviction, any such violation shall be a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court may order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten (10) day period punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00).

Formatted: Indent: Left: 1", Hanging: 0.5"

b. Injunctive relief.Any violation or attempted violation of this chapter may be restrained, corrected or abated as the case may be by injunction or other appropriate relief.

c. Civil penalties.

Formatted: Indent: Left: 0.5", First line: 0.5"

-
- i. Any person summoned or issued a ticket for a violation of this chapter listed in below may make an appearance in person or in writing by mail to the county treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established in this section for the offense charged, in lieu of criminal sanctions. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.
- ii. A civil penalty is hereby established for a violation of any offense listed below in the amount of two hundred dollars (\$200.00) for any one (1) violation for the initial summons and five hundred (\$500.00) for each additional summons:
1. Constructing, placing, erecting, installing, maintaining, operating, or establishing an accessory structure or use in violation of this chapter.
 2. Constructing, placing, erecting or displaying a sign in violation of chapter.
 3. Erecting, altering, or changing use or occupancy of any building, structure, or premises without first obtaining a zoning certificate or certificate of zoning compliance in violation of this chapter.
 4. Failure to perpetuate and maintain all landscaping, screening, and fencing materials required by this chapter.
 5. Operating, conducting or maintaining a home occupation in violation of this chapter.
- iii. Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten (10) day period and in no event shall a series of such violations result in civil penalties which exceed a total of more than five thousand dollars (\$5,000.00). When such civil penalties total five thousand dollars (\$5,000.00) or more, the violation may be prosecuted as a criminal misdemeanor.
- iv. The above provisions notwithstanding, civil penalties shall not accrue or be assessed during the pendency of the thirty (30) day appeal period allowable pursuant to this chapter.
- v. No provisions herein shall be construed to allow the imposition of civil penalties for:
1. Enforcement of the Uniform Statewide Building Code;
 2. Activities related to land development;
 3. Violations of the erosion and sediment control ordinance;
 4. Violations relating to the posting of signs on public property or public rights-of-way; or
 5. Violations resulting in injury to any person or persons.

Created: 2023-12-19 11:51:26 [EST]

DIVISION 2. CONDITIONAL USE PERMITS

Sec. 34-330. ~~Public hearing on a~~ Conditional use permits.

- (1) Any property owner or other person with an enforceable legal interest in a property may file an application to use such land for one (1) or more of the conditional uses provided for in the zoning district classification in which the land is located.
- (2) All real estate taxes and any outstanding fees or charges must be current at such time an application is submitted for a conditional use permit.
- (3) Fees...An application for conditional use permit shall be accompanied by the prescribed application fee.
- (4) If in the discretion of the county review of any request for a conditional use permit by any outside engineering firm or other consultant expert in the field of the request is deemed necessary, the landowner/applicant shall be required to pay the fee for such review prior to consideration of the request by the county. the purpose of the review will be to ensure that the request complies with any applicable regulations.
- (5) The planning commission, after public notice and hearing, shall forward its recommendation to the board of supervisors which in turn shall hold another hearing before making its decision.
- (6) The board of supervisors after public notice and hearing and upon recommendation by the planning commission may authorize the issuance of a conditional use permit in harmony with the general purpose and intent, as hereinafter provided, and subject to appropriate conditions. Such hearing shall be conducted in accordance with the~~No conditional use permit shall be heard except after public notice and a hearing, as provided by~~ Code of Virginia, § 15.2-2204. The zoning administrator will be responsible for placing such notice in the newspaper and specifying the time, place, section and plat in question, the applicant's name and general description of the ~~application~~remedy sought.

If the board of supervisors shall determine that a conditional use provided for in this chapter will conform to the general character of the neighborhood to which the proposed use will apply and that the public health, morals, safety and general welfare of such neighborhood will be secure by the granting of such conditional use, subject to the safeguards imposed by the board, then the board of supervisors may authorize the issuance of a permit. Such permits may be granted for a temporary period or permanently, as determined by the board, if granted for a temporary period, application for extension of same will be subject to a public as require in the original application.

- (7) The granting of a conditional use permit does not exempt the applicant from obtaining a zoning permit or complying with all other requirements of this ordinance or any applicable county, state, or federal law.

~~(Code 1991, § 16-274)~~

Sec. 34-341. ~~Status~~ Standards for review of conditional use permit application.

~~Where permitted by this chapter, the location of manufactured/mobile home parks, sanitary landfills, multi-family dwellings, livestock operations, adult entertainment establishments and other permitted uses shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit. These permits shall be reviewed by the county planning commission and subject to such conditions as the board of supervisors deem necessary to carry out the intent of this chapter.~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Indent: First line: 0"

(Code 1991, § 16-275; Ord. of 11-18-1988, § 12-2-4; Res. of 1-2-1993)

The planning commission and board of supervisors shall consider the following criteria before the granting of a conditional use permit.

- (a) That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of the other property within the immediate proximity;
- (c) That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;
- (d) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;
- (e) That the proposed conditional use is not contrary to the goals and objectives of the Sussex County Comprehensive Plan;
- (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use;
- (g) That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.
- (h) Conditions and guaranties..... In addition to the specific standards contained in Sec. 34-713 Supplementary use regulations, the other guidelines and criteria described in this chapter, and other relevant consideration, the board may impose conditions or limitations on any approval including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:
 - (1) The number of persons living or working at the proposed location and the proposed hours of operation, as may be applicable;
 - (2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
 - (3) The orderly growth of the neighborhood and community and the fiscal impact on the county;
 - (4) The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
 - (5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the county or persons to supply such services;
 - (6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
 - (7) The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
 - (8) The purposes set forth in this chapter, the county's comprehensive plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
 - (9) The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space;
 - (10) The preservation of cultural and historic resources or landmarks.
- (i) Scope of approval.
 - (1) Unless otherwise specified by the conditions of the permit, failure to establish the conditional use authorized by the permit within two (2) years from the date of approval by the board of supervisors shall cause the permit to terminate and to become void.
 - (2) Once a conditional 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 of supervisors, in approving the initial permit, has specifically established alternative procedures for consideration of future expansion or enlargement. The provisions relative to expansion of nonconforming uses shall

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

not be construed to supersede this requirement unless the specially permitted use for which the permit was initially granted is in fact, no longer a use permitted as of right or as a conditional use in the zoning district in which located.

- (3) Where any conditional use is discontinued for any reason for a continuous period of two (2) years or more, the conditional use permit shall terminate and become null and void. 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 conditional use permit shall be required prior to any subsequent reinstatement of the use.
- (j) Denial of conditional use permit application
- (1) If the board of supervisors finds that an application for a conditional use permit provided in this chapter and requested in said application will not conform to the general character of the neighborhood to which the proposed use will apply, and that the public health, safety and general welfare of such neighborhood will not be secure by granting such conditional use, then the board of supervisors may deny such application.
- (2) No application for a conditional use which has been denied wholly or in part by the board of supervisors shall be resubmitted for a period of one (1) year from the date of said order of denial except on the grounds of new evidence or proof of change of conditions found to be valid by the board of supervisors.
- (k) Revocation of conditional use permits.
- (1) The board of supervisors may, by resolution, initiate a revocation of a conditional use permit. When initiated, the revocation process shall be handled as would a new application for a conditional use permit.
- (2) After review by the zoning administrator and consideration and recommendation by the planning commission, the governing body shall act on the proposal to revoke the conditional use permit. Grounds for revocation shall include, but not be limited to, the following:
- a. A change in conditions affecting the public health, safety and welfare since the adoption of the conditional use permit; or
- b. Repeated violations of this article, including any conditions attached to the conditional use permit, by the owner/operator of the use; or
- c. Fraudulent, false or misleading information or an error or mistake in fact supplied by the applicant (or his agent) for the conditional use permit.

DIVISION 3. SPECIAL USE PERMITS

Sec. 34-352. Special use permits for uses not provided for**Widening of highways and streets.**

~~Whenever there shall be plans in existence, approved by either the state department of transportation or by the board of supervisors, for the widening of any street or highway, the commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right of way, in order to preserve and protect the right of way for such proposed street or highway widening.~~

~~(Code 1991, § 16-276; Ord. of 11-18-1988, § 12-3-1)~~

- (a) General description.....If, in any district established under this chapter, a use is not specifically permitted and an application is made to the zoning administrator for such use, the zoning administrator shall refer

Formatted: Indent: First line: 0"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

the application to the planning commission as a special use permit. The planning commission shall make its recommendation to the board of supervisors after holding a public hearing on the said application.

- (b) The board of supervisors after public notice and hearing and upon recommendation by the planning commission may authorize the issuance of a special use permit in harmony with the general purpose and intent, as hereinafter provided, and subject to appropriate conditions. Such hearing shall be conducted in accordance with the Code of Virginia, § 15.2-2204. The zoning administrator will be responsible for placing such notice in the newspaper and specifying the time, place, section and plat in question, the applicant's name and general description of the application.

If the board of supervisors shall determine that a special use provided for in this chapter will conform to the general character of the neighborhood to which the proposed use will apply and that the public health, morals, safety and general welfare of such neighborhood will be secure by the granting of such special use, subject to the safeguards imposed by the board, then the board of supervisors may authorize the issuance of a permit. Such permits may be granted for a temporary period or permanently, as determined by the board, if granted for a temporary period, application for extension of same will be subject to a public as require in the original application.

- (c) The standard for review, scope of approval, denial and revocation for a special use permit application shall be the same as applicable to those required for a conditional use permit under section 34-34. Standard for review of conditional use permit application.
- (d) Any property owner or other person with an enforceable legal interest in a property may file an application to use such land for one (1) or more of the special uses provided for in the zoning district classification in which the land is located.
- (e) All real estate taxes and any outstanding fees or charges must be current at such time an application is submitted for a special use permit.
- (f) Fees...An application for special use permit shall be accompanied by the prescribed application fee.
- (g) If in the discretion of the county review of any request for a conditional use permit by any outside engineering firm or other consultant expert in the field of the request is deemed necessary, the landowner/applicant shall be required to pay the fee for such review prior to consideration of the request by the county. tHe purpose of the review will be to ensure that the request complies with any applicable regulations.
- (h) The granting of a conditional use permit does not exempt the applicant from obtaining a zoning permit or complying with all other requirements of this ordinance or any applicable county, state, or federal law.

Sec. 34-33. Size, spacing and lighting of signs.

~~Wherever general advertising signs are permitted by this chapter, they shall be subject to the size, spacing and lighting regulations established by the commonwealth transportation board for such signs adjacent to non-freeway, federal aid, primary routes.~~

(Code 1991, § 16-277; Ord. of 11-18-1988, § 12-3-2)

Sec. 34-34. State and federal permits.

~~Any use permitted by this chapter shall comply with all appropriate state and federal permitting requirements.~~

Formatted: Section

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(Code 1991, § 16-271; Ord. of 11-18-1988, § 12-3-3)

Sec. 34-35. Interpretation.

- (a) Nothing contained herein shall require any changes in the plans or construction of any building or structure for which a permit was granted prior to the effective date of the ordinance from which this chapter is derived. However, such construction must commence within 31 days or one month after the ordinance from which this chapter is derived becomes effective. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.
- (b) Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
 - (1) Where district boundaries are indicated as approximately following or being at right angles to the centerlines of streets, highways, alleys or railroad main tracks, such centerlines, or lines at right angles to such centerlines, shall be construed to be such boundaries, as the case may be.
 - (2) Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
 - (3) If no distance, angle, curvature description or other means is given to determine a boundary line accurately, and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals which shall determine the boundary.

(Code 1991, § 16-281; Ord. of 11-18-1988, § 12-6)

Formatted: List 1

DIVISION 4. AMENDMENTS

Sec. 34-36. Amendments.

- (a) General description.....The board of supervisors hereby acknowledge as fact that changes from a rural area to residential, commercial, industrial and other urban uses and, although an attempt has been made in the comprehensive plan to anticipate and direct such growth along desirable lines, is inevitable and that no such plan will be perfect or everlasting valid.

The board of supervisors, therefore, anticipates that the comprehensive plan will need amending from time to time as contemplated and authorized by Section 15.2-2223 et seq. of the Code of Virginia (1950) as amended, and that this ordinance and the zoning map must also be amended from time to time in order that it may continue to be in conformity with the expectations of the board of supervisors.
- (b) The planning commission shall have all the powers and duties of local planning commission set forth in Sections 15.2-2211-15.2-2310 of the Code of Virginia (1950) as amended and any other powers and duties

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

now or in the future delegated to local planning commission, in order to promote the orderly development of the locality and its environs pursuant to Section 15.2-2210 of the Code of Virginia (1950), as amended and accomplish the objectives of Section 15.2-2200 of the Code of Virginia (1950), as amended.

All proposed amendments to this chapter will be referred to the planning commission for review and a recommendation to the board of supervisors.

- (c) The zoning administrator or their designee shall present a report representing a review of the application by the staff of the department of planning and zoning and such other agencies as may be appropriate. The staff report may include, without limitation, the following matters: availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area and the relationship of such proposed amendment to the comprehensive plan.

 - (1) If in the discretion of the county review of any request for a zoning map amendment by any outside engineering firm or other consultant expert in the field of the request is deemed necessary, the property owner/applicant shall be required to pay the fee for such review prior to consideration of the request by the county. The purpose of the review will be to ensure that the request complies with all regulations.
- (d) The planning commission shall hold at least one (1) public hearing on such proposed amendment after notice as required by Section 15.2-2204(A) of the Code of Virginia (1950), as amended, and may make appropriate changes in the proposed amendments as a result of such hearing. Upon completion of this work, the planning commission shall present the proposed amendment to the board of supervisors together with its recommendations and appropriate explanatory materials within one hundred (100) days after the public hearing following receipt of the proposed amendment.
- (e) The board of supervisors shall hold at least one (1) public hearing thereon, pursuant to public notice as required by Section 15.2-2204(A) of the Code of Virginia (1950), as amended, after which the board of supervisors may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by Section 15.2-2204(A) of the Code of Virginia (1950), as amended. An affirmative vote of at least a majority of the members of the board of supervisors shall be required to amend this chapter or the zoning map.
- (f) The record in all zoning cases shall include the application, all documents or communications submitted regarding the application, the recorded testimony received at the hearing, any reports communications to or from any public officials or agency concerning the application, the recommendation of the planning commission, and the final decision of the board supervisors. The record shall be open to public inspection and shall be maintained by the zoning administrator. The burden of proof for any zoning change shall be upon the applicant.
- (g) Continuance and withdrawal of amendment applications.

 - (1) The applicant may withdraw, in writing, a text or map amendment case from consideration prior to the public hearing of the planning commission or board of supervisors. Any new application for rezoning of said property shall be subject to all procedures and fees of an original application.
 - (2) If a request by an applicant for continuance of a public hearing on a map amendment is granted after the required public notice has been given, the applicant shall pay an additional fee for another public notice.
 - (3) Nothing shall be construed as limiting the right of the planning commission or the board of supervisors to continue amendment cases on its own initiative.
- (h) Findings for a change of zoning map classification.

Created: 2023-12-19 11:51:26 [EST]

-
- (1) The zoning ordinance and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land use for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestall land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.
- (2) The fact that an application for reclassification complies with all of the specific requirements and purposes set forth in this chapter shall not be deemed to create a presumption that the proposed reclassification and resulting development would, in fact, be compatible with surrounding land uses and is not, in itself, sufficient to require the granting of the application.
- (i) Filing procedures for amendment applications.
- (1) An application for text amendment may be initiated by resolution of the board of supervisors, by motion of the planning commission, or by application of the petition of any property owner(s) addressed to the board of supervisors. An application for text amendment will set for the new text to be added and the existing, if any, to be deleted or amended.
- (2) Zoning map amendment applications may be made by the board of supervisors, planning commission or by any property owner(s) or duly authorized agent. A map amendment may cover a single lot or a larger contiguous area.
- (3) All real estate taxes and any outstanding fees or charges must be current at such time an application is submitted for a zoning map amendment application.
- (4) Applications by property owners for change in zoning classification of property shall be accompanied by the prescribed application fee. Such application fee is nonrefundable and no application is considered complete until the fee is submitted.
- (5) An application for rezoning not including the entire tract of land shall require a zoning boundary plat to be prepared by a licensed surveyor, which after review by the zoning administrator, shall be recorded in the clerk's office of the circuit court of Sussex County, Virginia, prior to the rezoning taking effect. If a boundary plat of the rezoned area is not recorded within twelve (12) months of the approval of same by the board of supervisors, for good cause shown, the zoning administrator may extend this time period beyond twelve (12) months after the applicant/property owner provides justification for the specified extension demonstrating that the applicant/property owner is diligently pursuing completion of the aforementioned requirements.
- a. Proof of said recordation shall be presented to the zoning administrator prior to the issuance of any zoning permits for the property which has been rezoned.
- (6) Amendment application process.
- a. Applications for text or map amendments shall be submitted on forms provided by and filed in the office of the zoning administrator.
- b. A narrative shall be required for all application amendments for residential subdivisions of more than five (5) lots, planned development, commercial and industrial amendment application, including but not limited to the following:
- i. Provide information on the public and/or private facilities and services intended to serve the development. Information shall be provided on sewer, water, drainage, roadways, etc. and the capacity to serve the development.

Created: 2023-12-19 11:51:26 [EST]

ii. Additional on-site and off-site public and/or private facilities or services which would be required as a result of the development.

iii. A traffic impact analysis is required for development proposed to generate two hundred (200) average daily trips (ADT) or more based on vehicular trip generation rates as defined by the Institute of Transportation Engineers' most recent publication, "Trip Generation", or the Virginia Department of Transportation. The analysis must be prepared in accordance with VDOT's Traffic Impact Analysis Regulations and Administrative Guidelines and indicate the relationship of the proposed development on the cumulative effect of the traffic and road use for the arterial and secondary roads providing access to the development and any other road or intersection impacted by the development. Additional areas may be required to be incorporated into the analysis where traffic and accident data warrant.

c. Upon receipt of an amendment application, the zoning administrator shall review the application. If the zoning administrator finds all required information has been provided and the required fee paid, then the application shall be accepted.

d. Upon determination by the zoning administrator that the application is complete in accordance with the herein requirements, the application shall be promptly submitted for comment and review to appropriate county departments and agencies and scheduled for review before the planning commission.

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by a favorable majority of votes of the board of supervisors, provided that:

- ~~(1) A public hearing shall be held in relation thereto, at which persons affected shall have an opportunity to be heard.~~
- ~~(2) Notice shall be given of the time and place of such hearings by publication once a week for two successive weeks in some newspaper published or having general circulation in the county, which would specify the time and place of the hearing at which persons affected may appear and present their views. The hearing date shall be not less than five days, nor more than 21 days after final publication of this notice. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by this section.~~
- ~~(3) When a proposed amendment of this chapter involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection (2) of this section, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the state; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to this chapter involves a tract of~~

Created: 2023-12-19 11:51:26 [EST]

land not less than 500 acres owned by the state or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be re-mailed. Costs of any notice required under this chapter shall be taxed to the applicant.

- (4) — When a proposed amendment of this chapter involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable text of this chapter that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection (2) of this section, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to the text shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Code of Virginia, title 15.2, ch. 22, art. 6 (Code of Virginia, § 15.2-2240 et seq.), where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the planning commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the planning commission to give written notice to the owner, owners or their agent of any parcel involved.
- (5) — Whenever the notices required hereby are sent by an agency, department or division of the board of supervisors, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.
- (6) — A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.
- (7) — Changes shall be made by the board of supervisors in this chapter or the zoning map only after such changes have been referred to the planning commission for a report. Action shall be taken by the board of supervisors only after a report has been received from the planning commission, unless a period of 31 days or one month has elapsed after date of referral to the commission, after which time it may be assumed the commission has approved the change or amendment.
- a. — Upon the denial of any application filed to change a zoning district, no further application concerning any or all of the same property shall be filed for rezoning to the same or less restrictive use in less than 12 months after the time of denial by the board of supervisors.
- b. — An application for an amendment may be withdrawn at any time, provided that if the request for withdrawal is made after the publication of the notice of public hearing, no application for the reclassification of all or any part of the same property shall be filed within three months of the withdrawal date. There shall be no refund of rezoning fees in the case of withdrawal.

(Code 1991, § 16-272; Ord. of 11-18-1988, § 12-7; Ord. of 7-19-1990(2))

State law reference(s) — Similar provisions, Code of Virginia, §§ 15.2-2204, 15.2-2285, 15.2-2286(A)(7).

DIVISION 5. CONDITIONAL ZONING

Sec. 34-37. ~~Fees~~Conditional zoning.

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

(Code 1993, § 16-340; Ord. of 11-18-1988)

(b) Any owner or property making application for a change in zoning or amendment to the zoning map as part of the application may voluntarily proffer in writing reasonable conditions which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning application. ~~Any such proffered conditions must be made prior to any public hearing before the board of supervisors (including joint public hearings of the planning commission and the board of supervisors) and shall be subject to the following limitations: The owner of land seeking a rezoning may provide, by voluntarily proffer in writing, reasonable conditions as part of the application for rezoning, for which such conditions or proffers are in addition to the regulations provided for the zoning district.~~ Proffered conditions shall constitute a part of the rezoning or amendment to the zoning map and shall remain in effect even if the property is sold.

(1) Conditional uses may be considered as a permitted use and granted by the board of supervisors when included as a part of a conditional zoning amendment, and shall not require a separate conditional use permit application.

(c) The terms of all proffered conditions must be submitted in writing by the owner ten (10) days prior to a public hearing before the board of supervisors provided that the conditions are in accordance with the following:

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

(2) Such conditions have a reasonable relation to the rezoning; and

(3) Reasonable conditions may include the payment of cash for any off-site road improvement or any off-site transportation improvement that is adopted as an amendment to the required comprehensive plan and incorporated into the capital improvements program, provided that nothing herein shall prevent a locality from accepting proffered conditions which are not normally included in a capital improvement program. For purposes of this section, "road improvement" includes construction of new roads or improvement or expansion of existing roads as required by applicable construction standards of the state department of transportation to meet increased demand attributable to new development. For purposes of this section, "transportation improvement" means any real or personal property acquired, constructed, improved, or used for constructing, improving, or operating any (i) public mass transit system or (ii) highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this title. Such improvements shall include, without limitation, public mass transit systems, public highways, and all buildings, structures,

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and fixtures.

- (4) Reasonable conditions shall not include, however, conditions that impose upon the applicant the requirement to create a property owners' association under Code of Virginia, title 55, ch. 26 (Code of Virginia, § 55-508 et seq.) which includes an express further condition that members of a property association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments, and other public facilities not otherwise provided for in Code of Virginia, § 15.2-2241; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the department of transportation. The governing body may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. Once proffered and accepted as part of an amendment to the zoning ordinance, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions; however, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.
- (5) In the event proffered conditions include the dedication of real property or payment of cash, the property shall not transfer and the payment of cash shall not be made until the facilities for which the property is dedicated or cash is tendered are included in the capital improvement program, provided that nothing herein shall prevent the county from accepting proffered conditions which are not normally included in a capital improvement program. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of the property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.
- (6) In the event proffered conditions include a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendment to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of this chapter with respect to the zoning district applicable thereto initiated by the board of supervisors, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to the property, shall be effective with respect to the property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.
- (7) All conditions are in conformity with the Sussex County Comprehensive Plan.
- (d) The zoning administrator shall have sole authority to meet with any applicant to discuss proffered conditions. All proffered conditions shall be reviewed by the county attorney to ensure compliance with the restrictions set forth in Section 15.2-2303 of the Code of Virginia (1950), as amended.
- (e) There should be no amendment or variation of proffered conditions as part of an approved rezoning until after public hearing before the board of supervisors advertised pursuant to the provisions of this ordinance. However, where an amendment to the proffered conditions requested by the applicant, and where such amendment does not affect conditions of use or density, the board of supervisors may waive the requirements of a public hearing. Once so amended, the proffered conditions shall continue to be an amendment to the ordinance and may be enforced by the zoning administrator pursuant to the provision of the ordinance.
- (f) Enforcement and guarantees.....The zoning administrator shall be vested with all necessary authority on behalf of the county to administer and enforce conditions attached to a rezoning or amendment to a zoning map including:
- (1) The ordering in writing of the remedy of any noncompliance with such conditions;

Created: 2023-12-19 11:51:26 [EST]

- (2) The bringing of legal action to ensure compliance with such conditions including injunction, abatement or other appropriate action or proceeding; and
- (3) Requiring a guarantee in an amount sufficient for or conditional upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be released by the zoning administrator upon the submission of satisfactory evidence the construction of such improvements has been completed in whole or in part. Provided further that failure to meet all conditions shall constitute cause to deny the issuance of any required use, occupancy, or building permits as may be appropriate.

(Code 1993, § 16-343; Ord. of 11-18-1988; Ord. of 4-17-1997)The zoning administrator is vested with all necessary authority on behalf of the governing body of the locality to administer and enforce conditions attached to a rezoning or amendment to a zoning map.

- (g) Any zoning applicant or any other person who is aggrieved by a decision of the administrator may petition the governing body for review of the decision of the zoning administrator. All petitions for review shall be filed with the zoning administrator and with the clerk of the governing body within thirty (30) days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved. A decision by the governing body on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision.

- (h) An aggrieved party may petition the circuit court for review of the decision of the governing body on an appeal taken pursuant to this section. Every action contesting a decision of the governing body adopting or failing to adopt a proposed conditional zoning amendment shall be filed within thirty (30) days of the decision with the Sussex County Circuit Court.

Fees, as allowed by Code of Virginia, § 15.2-2286(A)(6) for administrative review and processing of zoning permits, site plans, rezoning requests, conditional use permits, amendments, public hearing advertising and variances, shall be determined by the board of supervisors after adoption of the ordinance from which this chapter was derived.

(Code 1991, § 16-283; Ord. of 11-18-1988, § 12-8)

State law reference(s) — Provisions for fees authorized, Code of Virginia, § 15.2-2286(A)(6).

Sec. 34-38. Violation and penalty.

- (a) All departments, officials and public employees of the county, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if used in conflict with the provisions of this chapter, shall be null and void.
- (b) Any person, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation nor any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than \$10.00, nor more than \$1,000.00 for each violation. Such person shall be deemed to be guilty of a separate offense for each and every day which a portion of any violation of this chapter is committed, continued or permitted by such person and shall be punished as herein provided. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 nor more than \$1,000.00, and any such failure during any succeeding ten day period shall constitute a separate misdemeanor offense for each ten

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 7 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.58"

Formatted: Indent: First line: 0"

Created: 2023-12-19 11:51:26 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

day period punishable by a fine of not less than \$100.00 nor more than \$1,500.00. However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000.00. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000.00, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of up to \$7,500.00. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Code of Virginia, title 55, ch. 13 (Code of Virginia, § 55-217 et seq.) or ch. 13.2 (Code of Virginia, § 55-248.2 et seq.), as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

(Code 1991, § 16-284; Ord. of 11-18-1988, § 12-9; Ord. of 7-19-1990(2))

State law reference(s) — Penalties, Code of Virginia, § 15.2-2286(A)(5).

Secs. 34-389—34-64. Reserved.

DIVISION 62. NONCONFORMING USES

Sec. 34-65. General descriptionContinuation.

- (a) If, within zoning district classifications established by this chapter, or amendments subsequently adopted, there exist lots, buildings, structures or uses of land which were lawful prior to the enactment of this chapter, or subsequent amendments, and which would not conform to regulations and restrictions under the terms of this chapter or amendments thereto, or which could not be built or used under this chapter, such nonconformities may continue to exist subject to the regulations contained in this section. Any lawful use, building or structure existing at the time of enactment of the ordinance from which this chapter is derived, may be continued, as herein provided, even though such use, building or structure may not conform with the provisions of this chapter for the district in which it is located.
- (b) The purpose of this section is to restrict nonconforming building, structures, and uses, and to specify those circumstances and conditions under which such nonconforming buildings, structures, and uses shall be permitted to continue. Any lawfully established single-family dwelling existing at the time of the adoption of the ordinance from which this chapter is derived shall not be considered a nonconforming use.
- (c) Whenever the boundaries of a district are changed, any uses of land or buildings, which become nonconforming as a result of such changes shall become subject to the provisions of this section. A change in occupancy or ownership shall not affect such right to continue such use, building or structure.
- (d) If any nonconforming uses of land or buildings, which become nonconforming as a result of such changes (structure or activity) is discontinued for a period existing two years after the enactment of the ordinance from which this chapter is derived, it shall be deemed abandoned, and subsequent use shall conform to the requirements of this chapter. Otherwise, such uses shall continue only at their then intensity.
- (e) No nonconforming uses of land or buildings shall be enlarged, extended, reconstructed or structurally altered; and no nonconforming use may be expanded to any other area whether on the same lot or any other lot which is not properly zoned to permit such nonconforming use except as provided for in this section, and as follows:

(1) If no structural alterations are made, a nonconforming use of land or a buildings may be changed to another nonconforming use of the same, or of a lesser intensity in the same zoning district a new

Formatted: Indent: Left: 0.33", Hanging: 0.17"

~~restricted classification under which the nonconforming use would be classified under the current provisions of this chapter. No structural changes or improvements shall be made that, in the opinion of the zoning administrator, will increase the intensity of the use. Whenever a nonconforming use of land or buildings has been changed to a more restricted use, or to a conforming use, such use shall not, thereafter, be changed to a less restricted use.~~

- (f) Temporary, seasonal, nonconforming uses that have been in continual operation for a period of two years or more prior to the effective date of the ordinance from which this chapter is derived are excluded from the provisions of this chapter.

(g) The burden of proof for determining nonconforming status shall be with the applicant.

(Code 1991, § 16-226; Ord. of 11-18-1988, § 10-1)

Sec. 34-66. Changes in district boundaries.

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this division.

(Code 1991, § 16-227; Ord. of 11-18-1988, § 10-3)

Sec. 34-67. Repairs and maintenance ~~Expansion or enlargement~~.

- (a) A nonconforming structure may be repaired, provided that, in the opinion of the zoning administrator, such repair constitutes only routine maintenance necessary to keep the structure in the same general condition it was in when it originally became nonconforming. ~~A nonconforming structure to be extended or enlarged shall conform with the provision of this chapter.~~

- (b) Minor alterations, cosmetic modifications, interior renovations and similar changes for nonconforming uses or structures may be permitted, subject to the following standards: ~~A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of the ordinance from which this chapter is derived.~~

(1) Any building or structure that is conforming as to use, but is nonconforming as to the requirements of this chapter, including floor area, lot, yard, road frontage, setback, parking, loading spaces, fences, signs or height requirements, may be enlarged or structurally altered, if the alteration or enlargement complies with this chapter, except that the structure may be expanded vertically provided that it remains in the same footprint.

(2) A nonconforming single-family detached dwelling may not be expanded, except as provided for in this article. In addition, new or expanded detached residential accessory structures or uses (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of this chapter. Expansion of the dwelling and new or expanded detached accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which they are located. In no case shall a nonconforming single-family detached dwelling be modified to accommodate additional dwelling units.

- (c) Such construction shall meet all current use requirements for the zoning district assigned by the zoning administrator as a part of the nonconforming use verification process.

- (d) Improvements may be made to a nonconforming use or structure for the sole purpose of accessibility or public safety when such improvements are necessitated by a local, state, or federal law. Such improvements may be approved by the zoning administrator.

~~(Code 1991, § 16-228; Ord. of 11-18-1988, § 10-4)~~

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Sec. 34-68. Nonconforming lots.

Any lot of record as of November 15, 2007, which is less in area or width than the minimum required by this chapter, may be used for a permitted use of the district in which it is located provided the setback provisions of the zoning district in which it is located can be met.

(Code 1991, § 16-229; Ord. of 11-18-1988)

Sec. 34-69. Restoration or replacement.

- (a) If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed 50 percent of the cost of reconstructing the entire activity or structure, it shall be restored only upon the issuance of a special use permit by the zoning administrator, with approval of the board of zoning appeals.
- (b) If a nonconforming structure is destroyed or damaged in any manner, it may be replaced in its current construction footprint without a variance provided that the structure has not been abandoned for a period longer than two years. If the structure has been abandoned for a period longer than two years, to the extent that the cost of restoration to its condition before the occurrence shall exceed 75 percent of the cost of reconstruction the entire structure, it shall be restored only upon the issuance of a special exception use permit by the zoning administrator, with approval of the board of zoning appeals; provided, however, that:
 - (1) The owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local floodplain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of this chapter. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then there shall be an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this subsection. For purposes of this section, the term "act of God" shall include any natural disaster or phenomena, including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia, § 18.2-77 or 18.2-80, and obtain vested rights under this subsection.
 - (2) An owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the state department of health in effect at the time of the installation.

Created: 2023-12-19 11:51:27 [EST]

-
- (3) Nothing in this section shall be construed to prevent the landowner or homeowner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD Manufactured Housing Code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.
- (c) In approving such a permit, the board of zoning appeals shall consider the stated purpose of establishing the zoning district in which the structure is located, the uses in the area immediately surrounding the structure in question, particularly the other nonconforming uses and the hardship which would result from a denial of the special exception. The exception shall include conditions as to the time within which the repair or restoration must be started and completed and may contain any other conditions regarding the repair and restoration which, in the opinion of the board of zoning appeals, shall be necessary to carry out the intent of this section and the chapter.
- (d) The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of the restoration for any structure or activity devoted to a nonconforming use.

(Code 1991, § 16-230; Ord. of 11-18-1988, § 10-6)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2307.

Secs. 34-70—34-12596. Reserved.

DIVISION 3. SITE PLANS

~~Sec. 34-97. Statement of intent.~~

~~The purpose of the requirements of this article is to promote the orderly development of certain activities in the county and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. Most specifically, the site plan shall be used to review the project's compatibility with the environment; to review the ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility and type of the project's required community facilities, and to review the location and adequacy of the project's provisions for drainage and utilities.~~

~~(Code 1991, § 16-201; Ord. of 11-18-1988, art. 9)~~

~~Sec. 34-98. When required.~~

~~For the following uses, a site plan shall be submitted to an approved by the zoning administrator:~~

- ~~(1) Multiple family dwellings;~~
- ~~(2) Townhouses;~~
- ~~(3) Churches, schools, hospitals, nursing homes and public buildings, parks and playgrounds;~~
- ~~(4) Business and industrial buildings and development;~~

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(5) ~~Manufactured/mobile home parks; and~~

(6) ~~Residential subdivisions and planned unit developments.~~

~~(Code 1991, § 16-202; Ord. of 11-18-1988; Ord. of 11-15-2007(2))~~

~~Sec. 34-99. Waiver of requirements.~~

~~Any requirements of this article may be waived by the planning commission, where the waiver is not adverse to the purpose of this article, and the applicant establishes that, in this specific case, an undue hardship would result from a strict enforcement of this article, or that the requirement is unreasonable. The planning commission shall permit such waiver only after a written request by the developer and after making a determination that the waiver will not be adverse. The request and determination shall become a part of the site plan record.~~

~~(Code 1991, § 16-203; Ord. of 11-18-1988, § 9-2)~~

~~Sec. 34-100. Site plan specifications.~~

~~Every site plan shall be prepared in accordance with the following specifications:~~

~~(1) The scale shall not be less than 100 feet to one inch.~~

~~(2) All site plans shall be 24 inch by 36 inch sheets.~~

~~(3) If the site plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.~~

~~(4) Horizontal dimensions shall be in feet and decimals of feet to the closest one hundredth of a foot.~~

~~(Code 1991, § 16-204; Ord. of 11-18-1988, § 9-3)~~

~~Sec. 34-101. Site plan contents.~~

~~The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, landscape architect, engineer, land surveyor, general contractor or subcontractor licensed to practice by the commonwealth within the limits of their respective licenses. The site plan shall include, but not be limited, to the following:~~

~~(1) The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor and/or developer; the name of the developer; and a signature panel for the zoning administrator's approval.~~

~~(2) The north point, scale, data, vicinity map and number of sheets.~~

~~(3) Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.~~

~~(4) The present use of all contiguous or abutting property.~~

~~(5) The boundaries of the property involved by bearings and distances.~~

~~(6) All existing property lines, existing streets, buildings, watercourses, waterways or lakes, and other existing physical features in or adjoining the project.~~

~~(7) Topography of the project area with contour intervals of five feet or less.~~

-
- ~~(8) The location and size of sanitary and storm sewers, gas lines, water mains, culverts and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.~~
 - ~~(9) The location, dimensions and character in construction of proposed streets, alleys, driveways and the location, type and size of ingress and egress to the site.~~
 - ~~(10) The location of all existing and proposed off street parking and loading spaces, indicating types of surfacing, size, angle or stalls, width of aisles and a specific schedule showing the number of parking spaces.~~
 - ~~(11) Proposed locations of solid waste refuge storage and pick-up facilities.~~
 - ~~(12) The location, height, type and material of all existing and proposed fences, walls, screen planting and landscaping details of all buildings and grounds.~~
 - ~~(13) Provisions for the adequate disposition of surface water indicating location, size, type and grade of ditches, catch basins and pipes and connection to existing drainage systems.~~
 - ~~(14) Provisions for the adequate control of erosion and sedimentation, in accordance with the county erosion and sedimentation control ordinances.~~
 - ~~(15) Proposed finished grading, by contour, supplemental where necessary by spot elevations.~~
 - ~~(16) The location and limits of 100-year floodplains and wetlands (tidal and non-tidal).~~
 - ~~(17) The location, character, size, height and orientation of proposed signs.~~
 - ~~(18) The location and dimensions of proposed recreation, open spaces and required amenities and improvements for residential development.~~
 - ~~(19) Any necessary notes required by the zoning administrator to explain the purpose of specific items on the plan.~~
 - ~~(20) The zoning administrator may request additional information other than what has previously been stated, such as traffic and school impact studies and economic and/or environmental impact reviews when deemed necessary to protect the health, safety and general welfare of the citizens of the county.~~

~~(Code 1991, § 16-205; Ord. of 11-18-1988; Ord. of 11-15-2007(2))~~

~~Sec. 34-102. Procedures.~~

- ~~(a) *Pre-application conference.* All applicants under this article are encouraged to request a pre-application review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs and other county ordinance requirements, utilities and drainage, and to consider preliminary features of the proposed development as they relate to this article.~~
- ~~(b) *Review and approval of final site plan.* The application for a final site plan shall be subject to the following:~~
 - ~~(1) Six copies of the final site plan shall be submitted to the zoning administrator for review. The zoning administrator shall have up to 120 days to circulate the plan to the relevant departments, boards and/or commissions; for written comments, and to notify the applicant of the action taken, which may be approved, approved subject to conditions or disapproved.~~
 - ~~(2) An applicant may appeal the decision of the zoning administrator within ten days, in writing, to the county planning commission in accordance with article II of this chapter.~~

~~(Code 1991, § 16-206; Ord. of 11-18-1988, § 9-5; Ord. of 11-15-2007(2))~~

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

~~Sec. 34-103. Termination or extension.~~

- ~~(a) An approved site plan shall expire and become null and void if no building permit has been obtained for the site within 12 months after the final approval.~~
- ~~(b) The zoning administrator may, at the applicant's request, and prior to the expiration grant an extension of six months.~~

~~(Code 1991, § 16-207; Ord. of 11-18-1988, § 9-6)~~

~~Sec. 34-104. Amendments to approved site plan.~~

~~If it becomes necessary for an approved site plan to be changed, the zoning administrator shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this article.~~

~~(Code 1991, § 16-208; Ord. of 11-18-1988, § 9-7)~~

~~Sec. 34-105. Prerequisite to issuance of permits.~~

~~No building permit shall be issued to construct, erect or alter any building or structure, or any permit or authorization granted to improve or develop land subject to the provisions of this article, unless a site plan has been submitted and approved.~~

~~(Code 1991, § 16-209; Ord. of 11-18-1988, § 9-8)~~

~~Sec. 34-106. Compliance with approved site plan.~~

- ~~(a) Inspections shall be made during the installation of off site and on site improvements by the zoning administrator or his designated representative in their area of responsibility to ensure compliance with the approved site plan.~~
- ~~(b) The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site plan and shall make one set of approved plans available at the site at all times that work is being performed.~~

~~(Code 1991, § 16-210; Ord. of 11-18-1988, § 9-9)~~

~~Secs. 34-107—34-125. Reserved.~~

DIVISION 74. BOARD OF APPEALS²

Sec. 34-126. Board of zoning appeals.

- (a) The board of zoning appeals shall consist of five residents of the county. The circuit court shall be notified at least 30 days in advance of the expiration of any term of office and if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the [term-time](#). Members may be reappointed to

²State law reference(s)—Board of zoning appeals, Code of Virginia, § 15.2-2308 et seq.

succeed themselves. Members of the board shall hold no other public office in the county. A member whose term expires shall continue to serve until his successor is appointed and qualifies. Members of the board may receive such compensation as may be authorized by the board of supervisors.

- (b) The terms of office shall be for five years. One of the five members may be an active member of the planning commission.
- (c) The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.
- (d) Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after a hearing held after at least 15 days' notice.
- (e) With the exception of its secretary, the board shall elect from its own membership its officers, who shall serve annual terms, as such, and may succeed themselves.
- (f) The secretary of the board of zoning appeals shall notify the court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. A member whose term expires shall continue to serve until his successor is appointed and qualifies.
- (g) The meetings of the board shall be held at the call of its chairman, or at such time as a quorum of the board may determine.
- (h) All meetings of the board shall be open to the public.
- (i) For the conduct of the hearing and the taking of any action, the quorum shall not be less than a majority of all the members of the board. The board may make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County of Sussex and the general laws of the Commonwealth of Virginia. The board shall keep a full public record of its proceeds and shall submit a report of its activities to the governing body at least once each year.
- (j) The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Code of Virginia, § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

(Code 1991, § 16-246; Ord. of 11-18-1988, § 11-1)

Sec. 34-127. Powers and duties of board of zoning appeals.

- (a) The board of zoning appeals shall have the following powers and duties:
 - (1) Variances.....The board of zoning appeals is authorized to grant variances from the strict application of these regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property on November 18, 1988, or where by reason of exceptional topographic conditions or extraordinary situation of condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would unreasonably restrict the utilization of the property, as distinguished from a special privilege or convenience sought by the applicant; provided, that all variances shall not be contrary to the purpose of this chapter.
 - a. The board of zoning appeals shall not authorize a variance unless it finds:

Formatted: Indent: First line: 0.09"

i. That the strict application of this chapter would produce undue hardship relating to the property.

ii. That the strict application of this chapter would unreasonably restrict the utilization of the property;

iii. That such restriction is not shared generally by other properties in the same zoning district and the same vicinity

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

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

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

vii. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

viii. A variance may be issued for a specified duration or an indefinite duration.

ix. The granting of a variance does not exempt the applicant from complying with all other requirements of this chapter or any applicable county, state, or federal law.

x. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under this division. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

b. No such variance shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

c. Whenever the board of zoning appeals disapproves an application for a variance on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board for a period of one (1) year unless the applicant clearly demonstrates that:

i. Circumstances affecting the property which is the subject of the application have substantially changed; or

ii. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the zoning administrator. Such request does not extend the period within which an appeal must be taken.

Formatted: Indent: First line: 0.34"

- iii. The board of zoning appeals may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered, as determined by the zoning administrator.
- iv. The burden of presenting evidence sufficient to allow the board of zoning appeals to reach a favorable conclusion, as well as the burden of persuasion on those issues referenced herein, remains the responsibility of the applicant seeking the variance.

(2) Appeals.... To hear and decide appeals from any order, requirement, decision or determination made by the zoning administrator or ~~an~~ other administrative officer in the administration or enforcement of this chapter. The decision on such appeal shall be based on the board's judgment of whether the zoning administrator or other administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

- a. A written notice of a zoning violation or a written order of the zoning administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.
- b. Any written notice of a zoning violation or written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty (30) days in accordance with this section, and that the decision shall be final and unappealable if not appealed within thirty (30) days. The appeal period shall not commence until such statement is given. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- c. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from, was taken. The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs.
- d. A decision by the board on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator in accordance with this section. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order. If the county has imposed civil penalties for violations of this chapter, any such civil penalty shall not be assessed by a court having jurisdiction during the pendency of the 30 day appeal period.
- e. In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by the zoning administrator or other administrative officer after 60 days have elapsed from the date

Created: 2023-12-19 11:51:27 [EST]

of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the county attorney, modification is required to correct clerical errors.

- f. An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter or any modification of zoning requirements pursuant to Code of Virginia, § 15.2-2286.
- g. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or a court of record, on application and on notice to the zoning administrator and for good cause shown.
- h. To authorize upon appeal as set forth in Code of Virginia, § 15.2-2201 from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done.
- i. The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within 90 days of the filing of the application or appeal. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirements, decision or determination of an administrative officer, or to decide in favor of the applicant or any matter upon which it is required to pass under this chapter, or to effect any variance from this chapter. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oath and compel the attendance of witnesses.
- j. In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
- k. If the county has imposed civil penalties for violations of this chapter, any such civil penalty shall not be assessed by a court having jurisdiction during the pendency of the 30-day appeal period.
- ~~l. This chapter of the Code of Virginia shall not apply to any appeal from a decision of the board of zoning appeals.~~
- ~~(b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or a court of record, on application and on notice to the zoning administrator and for good cause shown.~~
- ~~(c) In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by the zoning administrator or other administrative officer after 60 days have elapsed from the date of~~

Formatted: Indent: Left: 0.66"

Formatted: Indent: Left: 0.67", Hanging: 0.32"

Formatted: Indent: Left: 0.67", Hanging: 0.32"

~~the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the county attorney, modification is required to correct clerical errors.~~

~~(d) In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.~~

~~When a property owner can show that his property was acquired in good faith, and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property on November 18, 1988, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the utilization of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter.~~

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

- ~~1. That the strict application of this chapter would produce undue hardship relating to the property;~~
- ~~2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;~~
- ~~3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.~~

~~c. No such variance shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.~~

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

~~e. In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under this division. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.~~

Formatted: List 2, Indent: Left: 0.99"

Created: 2023-12-19 11:51:27 [EST]

~~(3) To hear and decide appeals from the decision of the zoning administrator. No such appeal shall be heard except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.~~

(34) Interpretations.... To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section of district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by this chapter ordinance.

~~(4) No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of ordinances duly adopted by the board of supervisors.~~

Formatted: Indent: Left: 0.33"

~~(45) Special Exception..... To hear and decide applications for special exception for the use and repair or restoration of a nonconforming structure destroyed or damaged in any manner in its current construction footprint that has been abandoned for a period longer than two years. To hear and decide applications for such special exceptions as may be authorized in this chapter.~~ The board may impose such conditions relating to the use provided for in the authorized special exceptions for which a permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. No such special exception may be granted except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

~~(6) a.~~ To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

Formatted: Indent: Left: 0.67"

~~(5)(b)~~ No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of ordinances duly adopted by the board of supervisors.

(c) ~~The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Code of Virginia, § 15.2-2212 shall be conducted at the continued meeting and no further advertisement is required.~~

(Code 1991, § 16-247; Ord. of 11-18-1988, § 11-2)

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2309; provisions for variances and special authorized, Code of Virginia, § 15.2-2296(A)(1).

Sec. 34-128. Rules and regulations.

~~(d) A quorum shall be at least three members.~~

~~(e) A favorable vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant, or any matter upon which the board is required to pass.~~

~~(Code 1991, § 16-248; Ord. of 11-18-1988, § 11-3)~~

Sec. 34-129. Appeals to board.

~~(a) An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter or any modification of zoning requirements pursuant to Code of Virginia, § 15.2-2286. Any written notice of a zoning violation or a written order of the zoning administrator dated on, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the zoning administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section. Such appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from, was taken. The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs. A decision by the board on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator in accordance with this section. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order. If the county has imposed civil penalties for violations of this chapter, any such civil penalty shall not be assessed by a court having jurisdiction during the pendency of the 30-day appeal period.~~

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

~~(c) In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by the zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith.~~

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

~~reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the county attorney, modification is required to correct clerical errors.~~

- ~~(d) In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.~~

~~(Code 1991, § 16-249; Ord. of 11-18-1988, § 11-4)~~

~~State law reference(s) — Similar provisions, Code of Virginia, § 15.2-2311.~~

~~Sec. 34-130. Appeal procedure.~~

- ~~(a) Appeals shall be mailed to the board of zoning appeals, in care of the zoning administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy shall be mailed to the individual, official, department or agency concerned, if any.~~
- ~~(b) Appeals requiring an advertised public hearing shall be accompanied by a certified check, payable to the treasurer.~~

~~(Code 1991, § 16-250; Ord. of 11-18-1988, § 11-5)~~

~~Sec. 34-131. Public hearing.~~

~~The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within 90 days of the filing of the application or appeal. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirements, decision or determination of an administrative officer, or to decide in favor of the applicant or any matter upon which it is required to pass under this chapter, or to effect any variance from this chapter. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oath and compel the attendance of witnesses.~~

~~(Code 1991, § 16-251; Ord. of 11-18-1988, § 11-6)~~

~~Sec. 34-12832. Decision of board.~~

- (a) Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the county may present to the circuit court of the county a petition that shall be styled "In Re: [date] Decision of the Board of Zoning Appeals of Sussex County" specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board.
- (b) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. Any review of

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The board of supervisors, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

- (c) The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (d) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a commissioner to take such evidence, as it may direct, and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
 - (1) In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to Code of Virginia, § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.
 - (2) In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, or application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong and in violation of the purpose and intent of this chapter.
- (e) Costs shall not be allowed against the county, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.

(Code 1991, § 16-252; Ord. of 11-18-1988, § 11-7)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2314.

Secs. 34-1~~293~~—34-162. Reserved.

DIVISION 8. SITE PLANS

Sec. 34-163. Statement of intent.

The purpose of the requirements of this article is to promote the orderly development of certain activities in the county and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. Most specifically, the site plan shall be used to review the project's compatibility with the environment; to review the ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility and type of the project's required community facilities, and to review the location and adequacy of the project's provisions for drainage and utilities.

(Code 1991, § 16-201; Ord. of 11-18-1988, art. 9)

Sec. 34-164. When required.

For the following uses, a site plan shall be submitted to an approved by the zoning administrator:

- (1) Multiple-family dwellings;
- (2) Townhouse (condominium);
- (3) Churches, educational facilities, hospitals, nursing homes and government buildings, parks and playgrounds;
- (4) Office, institution, commercial and industrial uses and development;
- (5) Manufactured/mobile home parks; and
- (6) Residential subdivision and planned unit development (condominium).

(Code 1991, § 16-202; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-165. Exemptions.

The following developments are exempt from the requirement of a complete preliminary and final site plan, however, a simplified or schematic site plan will be required to review in compliance with the Sussex County Zoning Ordinance prior to issuance of a zoning permit:

- a. The construction or location of any single-family detached dwelling or two-family dwelling on an existing or plotted lot.
- b. Any accessory structure or addition to a single-family or two-family dwelling.
- c. Any agricultural activity except as otherwise provided in this zoning ordinance.
- d. A change in use or expansion of a use on an existing site unless:
 - i. The sale or storage of gasoline or hazardous materials is involved as part of the use; or
 - ii. The zoning administrator or designee determines that such change or expansion gives rise to the need for additional parking or off street loading under the requirements of this zoning ordinance
 - iii. The expansion exceeds twenty-five (25) percent of the gross floor area of the existing building or of the area occupied by use; or
 - iv. The Director of Planning, or designee and/or VDOT, requires additional ingress/egress, change in ingress/egress or public improvements due to the nature of the change in use; or

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

v. Additional ingress/egress or alteration of existing ingress/egress is proposed.

vi. An extension of utility service or modification of existing service to support the change in or expansion of the use.

Sec. 34-166. Site plan specifications.

Every site plan shall be prepared in accordance with the following specifications:

- (a) The scale shall not be less than 100 feet to one inch.
- (b) All site plans shall be 24-inch by 36-inch sheets.
- (c) If the site plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
- (d) Horizontal dimensions shall be in feet and decimals of feet to the closest one hundredth of a foot.

(Code 1991, § 16-204; Ord. of 11-18-1988, § 9-3)

Sec. 34-167. Site plan contents.

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, landscape architect, engineer, land surveyor, general contractor or subcontractor licensed to practice by the commonwealth within the limits of their respective licenses. The site plan shall include, but not be limited, to the following:

- (a) The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor and/or developer; the name of the developer; and a signature panel for the zoning administrator's approval.
- (b) The north arrow, scale, data, vicinity map and number of sheets.
- (c) Tax parcel number, zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- (d) The ownership, tax parcel number, zoning and current use of all contiguous or abutting property.
- (e) The boundaries of the property showing bearings and distances.
- (f) All existing property lines, existing streets, watercourses, waterways or lakes, and other existing physical features in or adjoining the project.
- (g) The location of buildings or structures existing and proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.
- (h) The number of stories, floor area, building height, and elevations of each building proposed. If more than one use is proposed, the floor area of each use shall be provided.
- (i) The existing topography of the site with contour intervals of five (5) feet or less and proposed finished grading, by contour, supplemental where necessary by spot elevations.
- (j) The location and size of sanitary and storm sewers, gas lines, water mains, culverts and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.
- (k) The location, type, and size of the site access points (ingress and egress such as proposed streets, alleys, and driveways. Site distances at these access points shall be provided.

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

- (l) The location of all existing and proposed off-street parking, including handicap spaces, loading spaces, and walkways indicating types of surfacing, size, angle or stalls, width of aisles and a specific schedule showing the number of parking spaces.
- (m) Proposed locations of solid waste refuse storage and pick-up facilities.
- (n) The location, height, type and material of all existing and proposed fencing, walls, screening, buffer yards, and site landscaping details of all buildings and grounds shall be provided.
- (o) Provisions for the adequate disposition of surface water indicating location, size, type and grade of ditches, catch basins and pipes and connection to existing drainage systems.
- (p) Provisions for the adequate control of erosion and sedimentation, in accordance with the county erosion and sedimentation control ordinances. A detailed erosion and sediment control plan shall be submitted for site developments and improvements that involves land disturbance of greater than 10,000 square feet in size.
- (q) The location and limits of 100-year floodplains and wetlands (tidal and non-tidal).
- (r) The location, character, size, height and orientation of existing and proposed signs.
- (s) The location and dimensions of proposed recreation, open spaces and required amenities and improvements for residential development.
- (t) For multi-family residential developments, the type of dwelling unit shall be stated along with the number of units proposed. Where necessary for determining the number of required parking spaces, the number of bedrooms in each unit shall also be provided.
- (u) Any necessary notes required by the zoning administrator to explain the purpose of specific items on the plan.
- (v) The zoning administrator may request additional information other than what has previously been stated, such as traffic and school impact studies and economic and/or environmental impact reviews when deemed necessary to protect the health, safety and general welfare of the citizens of the county.

(Code 1991, § 16-205; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-168. Procedures.

- (a) Pre-application conference. All applicants under this article are encouraged to request a pre-application review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs and other county ordinance requirements, utilities and drainage, and to consider preliminary features of the proposed development as they relate to this article.
- (b) Review and approval of final site plan. The application for a final site plan shall be subject to the following:
 - i. One (1) digital copy and two (2) hard copies of the site plan shall be submitted to the zoning administrator for preliminary review. The zoning administrator shall have up to sixty (60) days to circulate the plans to the relevant departments for written comments and to notify the applicant of the comments that need to be addressed prior to the final site plan submittal.
 - ii. Six copies of the final site plan shall be submitted to the zoning administrator once preliminary plans are deemed acceptable. The zoning administrator shall have up to sixty (60) days upon receipt to notify the applicant of the action taken, which may be approved, approved subject to conditions or disapproved.

Created: 2023-12-19 11:51:27 [EST]

- (2) An applicant may appeal the decision of the zoning administrator within thirty (30) days, in writing, to the board of zoning appeals in accordance with article II of this chapter.

(Code 1991, § 16-206; Ord. of 11-18-1988, § 9-5; Ord. of 11-15-2007(2))

Sec. 34-169. Termination or extension.

- (a) An approved site plan shall expire and become null and void if no building permit has been obtained for the site within 12 months after the final approval.
- (b) The zoning administrator may, at the applicant's request, and prior to the expiration grant an extension of six months.

(Code 1991, § 16-207; Ord. of 11-18-1988, § 9-6)

Sec. 34-170. Amendments to approved site plan.

If it becomes necessary for an approved site plan to be changed, the zoning administrator shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this article.

(Code 1991, § 16-208; Ord. of 11-18-1988, § 9-7)

Sec. 34-171. Prerequisite to issuance of permits.

No building permit shall be issued to construct, erect or alter any building or structure, or any permit or authorization granted to improve or develop land subject to the provisions of this article, unless a site plan has been submitted and approved.

(Code 1991, § 16-209; Ord. of 11-18-1988, § 9-8)

Sec. 34-172. Compliance with approved site plan.

- (a) Inspections shall be made during the installation of off-site and on-site improvements by the zoning administrator or his designated representative in their area of responsibility to ensure compliance with the approved site plan.
- (b) The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site plan and shall make one set of approved plans available at the site at all times that work is being performed.

(Code 1991, § 16-210; Ord. of 11-18-1988, § 9-9)

Secs. 34-173—34-192. Reserved.

DIVISION 5. CONDITIONAL ZONING³

³~~State law reference(s) — Conditional zoning, Code of Virginia, § 15.2-2296 et seq.~~

~~Sec. 34-163. Statement of intent.~~

~~It is the general policy of this county, in accordance with the laws of the Commonwealth of Virginia, to provide for the orderly development of land, for all purposes through zoning and other land development legislation. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit land uses and at the same time to recognize the effects of change. It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not applicable to land similarly zoned. The provisions of this section are not to be used for the purpose of discrimination in housing.~~

~~(Code 1993, § 16-340; Ord. of 11-18-1988)~~

~~Sec. 34-164. Proffer of conditions.~~

~~An owner or property making application for a change in zoning or amendment to the zoning map as part of the application may voluntarily proffer in writing reasonable conditions which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning application. Any such proffered conditions must be made prior to any public hearing before the board of supervisors (including joint public hearings of the planning commission and the board of supervisors) and shall be subject to the following limitations:~~

- ~~(3) Reasonable conditions may include the payment of cash for any off-site road improvement or any off-site transportation improvement that is adopted as an amendment to the required comprehensive plan and incorporated into the capital improvements program, provided that nothing herein shall prevent a locality from accepting proffered conditions which are not normally included in a capital improvement program. For purposes of this section, "road improvement" includes construction of new roads or improvement or expansion of existing roads as required by applicable construction standards of the state department of transportation to meet increased demand attributable to new development. For purposes of this section, "transportation improvement" means any real or personal property acquired, constructed, improved, or used for constructing, improving, or operating any (i) public mass transit system or (ii) highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this title. Such improvements shall include, without limitation, public mass transit systems, public highways, and all buildings, structures, approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and fixtures.~~
- ~~(4) Reasonable conditions shall not include, however, conditions that impose upon the applicant the requirement to create a property owners' association under Code of Virginia, title 55, ch. 26 (Code of Virginia, § 55-508 et seq.) which includes an express further condition that members of a property association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments, and other public facilities not otherwise provided for in Code of Virginia, § 15-2-2241; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the department of transportation. The governing body may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. Once proffered and accepted as part of an amendment to the zoning ordinance, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions; however, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.~~

Created: 2023-12-19 11:51:27 [EST]

~~(5) In the event proffered conditions include the dedication of real property or payment of cash, the property shall not transfer and the payment of cash shall not be made until the facilities for which the property is dedicated or cash is tendered are included in the capital improvement program, provided that nothing herein shall prevent the county from accepting proffered conditions which are not normally included in a capital improvement program. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of the property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.~~

~~(6) In the event proffered conditions include a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendment to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of this chapter with respect to the zoning district applicable thereto initiated by the board of supervisors, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to the property, shall be effective with respect to the property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.~~

~~Sec. 34-165. Effects of conditions.~~

~~Upon approval of any such rezoning all conditions proffered and accepted by the governing body shall be deemed part thereof and non-servable therefrom and shall remain in force until amended or varied by the board of supervisors in accordance with Code of Virginia, §§ 15-2-2297, 15-1-491.2 and 15-2-2302. All such conditions shall be in addition to the regulations provided for in the zoning district by this article.~~

~~(Code 1992, § 16-342; Ord. of 11-18-1988)~~

~~Sec. 34-166. Enforcement and guarantees.~~

~~The zoning administrator shall be vested with all necessary authority on behalf of the county to administer and enforce conditions attached to a rezoning or amendment to a zoning map including:~~

- ~~(1) The ordering in writing of the remedy of any noncompliance with such conditions;~~
- ~~(2) The bringing of legal action to ensure compliance with such conditions including injunction, abatement or other appropriate action or proceeding; and~~
- ~~(3) Requiring a guarantee in an amount sufficient for or conditional upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be released by the zoning administrator upon the submission of satisfactory evidence the construction of such improvements has been completed in whole or in part. Provided further that failure to meet all conditions shall constitute cause to deny the issuance of any required use, occupancy, or building permits as may be appropriate.~~

~~(Code 1993, § 16-343; Ord. of 11-18-1988; Ord. of 4-17-1997)~~

~~Secs. 34-167—34-192. Reserved.~~

ARTICLE III. ZONING DISTRICTS

DIVISION 1. GENERALLY

~~Sec. 34-193. Uses not provided for.~~

~~If, in any district established under this chapter, a use is not specifically permitted and an application is made by a property owner to the zoning administrator for such use, the zoning administrator shall refer the application to the planning commission, which shall make its recommendations to the board of supervisors within 30 days. If the recommendation of the planning commission is approved by the board of supervisors, this chapter shall be amended to list the use as a permitted use in that district, henceforth.~~

~~(Code 1991, § 16-370; Ord. of 11-18-1988)~~

Sec. 34-1934. Additional setbacks in case of widening of highways or streets.

Whenever there shall be plans in existence, approved by either the state department of transportation or by the board of supervisors for the widening of any street or highway, the commission may recommend additional

Formatted: Section

front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way, in order to preserve and protect the right-of-way for such proposed street or highway widening.

(Code 1991, § 16-371; Ord. of 11-18-1988)

Sec. 34-195. Off-street parking and loading.

- ~~(a) In any district, all structures erected or enlarged and all uses established or expanded, shall provide off-street parking and loading in accordance with the requirements established herein.~~
- ~~(b) Required off-street parking spaces for dwellings shall be a minimum of nine feet by 20 feet in dimensions with a driveway to afford safe and convenient access. Parking spaces shall be on the same lot with the main building. In the case of buildings and uses other than dwellings, spaces may be located up to 600 feet from said building or use, subject to approval of the zoning administrator.~~
- ~~(c) Any parcel of land used as a public parking area shall be constructed of concrete, asphalt, or other equivalent permanent dustless surface, except that, in agricultural districts, churches, hunt clubs, lodges, Rotarians and such other civic organizations shall be exempt. The zoning administrator may approve the use of cobblestone, Belgian block, brick, grid pavers, interlocking pavers or similar surface material upon specific request at the time of site plan submission. The zoning administrator may also approve unpaved or gravel parking areas, provided that a specific request is submitted in writing at the time of the plan submission.~~
- ~~(d) Outdoor lighting shall be provided at appropriate locations in order to adequately illuminate parking areas and pedestrian and vehicular circulation routes to establishments which will be patronized during non-daylight hours. Any lighting equipment should be designed and arranged so as to direct light and glare away from abutting properties and adjacent rights-of-way. Lighting fixtures and intensity levels shall be compatible with both natural and architectural characteristics of the development.~~
- ~~(e) Such parking spaces shall not be drained onto or across public sidewalks, nor shall they be drained onto adjacent property except when directed into a natural watercourse or a recognized drainage easement.~~
- ~~(f) Parking lots shall be designed and constructed so that spaces are grouped into bays separated by landscape traffic islands. Such islands and bays shall be designed to provide a clear delineation of circulation patterns, guide vehicular traffic, break large expanses of pavement into sub-areas to improve both the appearance and climate of the parking lot, minimize glare and noise, and delineate safe pedestrian walkways.~~
- ~~(g) Where the nature and characteristics of the proposed use dictate, such parking areas shall be designed to include appropriate stopping, parking and circulation areas for alternate modes of transportation such as bicycles, mopeds, motorcycles and buses.~~
- ~~(h) Sidewalks shall be provided where necessary 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.~~
- ~~(i) Speed bumps, if installed, shall be designed to county criteria, and appropriate signage shall be provided within such parking areas to ensure safe and efficient vehicular circulation.~~
- ~~(j) The minimum width of parking spaces shall be nine feet. The zoning administrator may require submissions of a comprehensive parking plan.~~
- ~~(k) Parking spaces for the physically handicapped shall be provided and labeled on the plan in accordance with the standards established for the physically handicapped and aged, by the Virginia Uniform Statewide~~

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

~~Building Code. Such spaces shall be arranged and dispensed throughout the lot so as to provide convenient access to all major entrances to the proposed establishment.~~

- ~~(l) There shall be provided, at the time of erection of any building or at the time any main building is enlarged, minimum off-street parking space, with adequate provision for entrance and exit by standard sized automobiles, as follows:~~
- ~~(1) In all residential districts, there shall be provided, either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.~~
 - ~~(2) Tourist homes and motels shall provide, on the lot, parking space for one automobile for each accommodation, plus one additional space per employee but in no case less than two additional spaces.~~
 - ~~(3) For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space shall be provided for every five fixed seats provided in such building.~~
 - ~~(4) For hospitals, at least one parking space shall be provided for each two patient/occupant beds plus one additional space per employee/staff member on the largest anticipated working shift.~~
 - ~~(5) For medical and dental clinics, at least ten parking spaces shall be provided. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.~~
 - ~~(6) For tourist courts, apartments and apartment motels, at least one parking space shall be provided for each individual sleeping or living unit. For hotels and apartment motels at least one parking space shall be provided for each two sleeping rooms, up to and including the first 20 sleeping rooms, and one parking space for each three sleeping rooms over 20.~~
 - ~~(7) For mortuaries and liquor stores, at least 30 parking spaces shall be provided.~~
 - ~~(8) For restaurants, including fast food restaurants, one parking space shall be provided for each 100 square feet of floor space in the building.~~
 - ~~(9) Any commercial building or public facility not listed above hereinafter erected, converted or structurally altered shall provide one parking space for each 200 square feet of business floor space in the building.~~
 - ~~(10) Minimum required parking spaces for industrial, manufacturing and related uses shall be as follows:~~
 - ~~a. *Warehousing, distributing.* One space for each 1,000 square feet of floor area plus one space for each 300 square feet of office, sales or similar space, plus one space for each vehicle maintained on the premises.~~
 - ~~b. *Mini storage warehouse.* One space for each ten cubicles, plus two spaces for the manager's quarters/office, plus one additional space for each 25 cubicles for the prospective clients.~~
 - ~~c. *Other permitted industrial uses.* One space for each 500 square feet of floor area or for each three employees on the anticipated largest working shift, whichever is greater, plus one space for each vehicle maintained on the premises.~~
 - ~~(m) Other provision of this article notwithstanding, the zoning administrator may waive the requirement that the entire number of parking spaces required by the chapter to be constructed at the time of development, subject to the following:~~
 - ~~(1) Such waiver may be considered only for structures with a gross floor area in excess of 6,000 square feet in the case of public and commercial buildings in excess of 10,000 square feet in the case of~~

Created: 2023-12-19 11:51:27 [EST]

industrial buildings. Waiver of construction may be considered only for those spaces required as a result of floor areas in excess of 6,000 or 10,000 square feet, respectively.

- (2) ~~The decision to grant such waiver from construction shall be based upon evidence supplied by the applicants, observations of similar uses in the region, or standard reference works by qualified officials or competent professional/research associations, which substantiates the projected parking demand of the proposed use and indicates that the site can be adequately served initially by fewer than the full number of required spaces. In no case shall a waiver be considered which would reduce the parking and circulation areas below that required by this article.~~
- (3) ~~Such waiver shall not relieve the applicant of responsibility for reserving an adequate area on the site to accommodate the entire number of parking spaces otherwise required by this article.~~
- (4) ~~The location, design and other pertinent details of all required parking spaces shall be depicted on the site plan in accordance with all applicable design requirements. At the time of site plan approval, the zoning administrator, in exercising the above described waiver provisions shall clearly indicate on the face of the site plan those spaces which need not be constructed at the time of initial development.~~
- (5) ~~The area which such spaces would otherwise occupy shall be reserved for their future construction should the parking demand characteristics of the original or any subsequent or additional use or uses increase to the extent that the number of spaces actually constructed is no longer adequate. In no case shall any improvements, structural enlargements or additions be made on the site which would encroach on the area so reserved.~~
- (6) ~~Monitoring and determination of the adequacy of the existing parking spaces shall be the responsibility of the zoning administrator who shall make periodic inspections of the site. Upon determining that parking demand is in excess of the available supply of spaces, the zoning administrator shall order, in writing, the construction of such additional spaces as are necessary to accommodate the demand. In no case shall the applicant be required to provide more spaces than the total number required before waiver.~~
- (7) ~~Failure to comply with the zoning administrator's order to construct additional adequate parking areas within 90 days weather permitting, shall be deemed a violation of the ordinance and shall be punishable as prescribed herein.~~
- (8) ~~The following statement, to be signed and acknowledged by both the zoning administrator and the applicant, shall be affixed to the approved site plan and shall also be recorded, at the cost of the property owner, in the clerk's office of the circuit court of the county:~~

~~_____ CERTIFIES THAT _____ is/are RECORD OWNER(S) OF THE HEREAFTER DESCRIBED PROPERTY.~~

~~Pursuant to the terms of the Sussex County Zoning Ordinance, off-street parking space requirements for the proposed use of land identified as parcel(s) _____ on the records of the Commissioner of the Revenue of Sussex County and being the same land acquired by (owner's name), as evidenced by a (deed, will, other) duly recorded in the clerk's office of the circuit court of Sussex County in _____ Book, Page _____, are hereby waived to the extent that _____ of the _____ total required parking spaces need not be constructed prior to issuance of a certificate of occupancy.~~

~~The area which such spaces would otherwise occupy as shown on the approved site plan, dated _____, shall be reserved for their future construction should the parking demand characteristics of this or any other use, as determined by the zoning administrator, increase to the extent that the available spaces are no longer adequate. Monitoring and determination of the adequacy of the existing parking spaces shall be the responsibility of the zoning administrator. Upon determining that parking demand is in excess of the available supply of spaces, the zoning administrator shall order, in writing, the construction of such additional spaces, up the minimum required by the zoning ordinance in effect~~

Created: 2023-12-19 11:51:27 [EST]

on the date of this agreement, as are necessary to accommodate the demand. Failure to comply with the zoning administrator's order to construct such area within 90 days, weather permitting, shall be deemed a violation of the zoning ordinance and shall be punishable in accordance with the penalties prescribed therein.

The responsibility to comply with these requirements shall run with title to the land and shall not be affected by transfer of lease or ownership as long as the waiver herein described is applicable to the described land or any part thereof. A recorded statement executed by the zoning administrator, indicating that such waiver is no longer applicable, shall be conclusive as to its content insofar as record title to the property may be affected.

Zoning Administrator

Property Owner

- (n) ~~All off-street loading areas, including aisles and driveways shall be constructed and maintained with a permanent, dustless surface material. Off-street loading areas may be incorporated into the overall design and layout of parking and circulation systems, provided that no individual parking spaces will be encroached upon. Vehicles utilizing such loading spaces will not interfere with vehicular circulation on the site or on adjacent public rights-of-way.~~
- (1) ~~Each off-street loading space shall be not less than 12 feet by 50 feet in dimensions with a vertical clearance of not less than 15 feet, including necessary maneuvering space off the street.~~
- (2) ~~All lighting fixtures used to illuminate off-street loading areas shall be designed and arranged so as to direct light and glare away from abutting properties and adjacent rights-of-way.~~
- (3) ~~No space designated as off-street parking space shall be utilized as an off-street loading space.~~
- (o) ~~Adequate fire lanes shall be required as deemed necessary by the fire marshal for the access and egress of emergency vehicles. Fire lanes shall be a minimum of 18 feet in width and shall be marked for ease of visibility as required by the fire marshal. Numbers and placement of fire lanes shall be in accordance with nationally recognized standards.~~

~~(Code 1991, § 16-372; Ord. of 11-18-1988)~~

Sec. 34-1946. One main building on each residential and agricultural lot.

Except in the case of planned residential developments, every principal, detached residential building structure, including a permanent manufactured or mobile home, hereafter erected, installed or structurally altered shall be located when permitted in a residential or agricultural zoning district, and in no case shall there be more than one such building per lot, unless otherwise permitted in this chapter.

(Code 1991, § 16-373; Ord. of 11-18-1988)

Secs. 34-1957—34-215. Reserved.

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 34-216. Statement of intent.

The A-1 General Agricultural District covers portions of the county now devoted predominately to farms and forests in which public utilities are not generally available or anticipated in the near future. This district is established to protect land and property values, groundwater and surface water quality and other natural resources. It is also the intent of this district to provide for the continued security of the county's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy and poultry industry. Limited residential and nonresidential development is anticipated in these areas.

(Code 1991, § 16-21; Ord. of 11-18-1988; Ord. of 11-15-2007(2); Ord. of 8-18-2022, § 16-21)

Sec. 34-217. Use regulations.

In the A-1 district, any structure to be erected or land to be used shall be for one or more of the following uses:

(a) Permitted Uses:

- (1) Reservoir, ~~preserve and watershed conservation areas.~~
- (2) ~~Conservation area/nature preserve~~Wildlife refuges, game preserves, sanctuaries and forest preserves.
- ~~(3) General farming. Livestock, dairy and poultry operations.~~
- (34) Agriculture, ~~including livestock and poultry operations.~~
- ~~(45) Dwelling, single-family, detached dwellings,~~ including modular units ~~on individual lots.~~
- ~~(56) Forestry operation, silviculture and/or timbering.~~
- ~~(67) Public parks, play fields, or playgrounds, schools and outdoor recreational facilities owned and operated by the county.~~
- ~~(78) Country~~General store, ~~country.~~
- ~~(9) Lodges, cabins, groups of cabins, camps, and travel trailers for seasonal occupancy, with a conditional use permit.~~
- ~~(10) Hunting clubs, fishing clubs, yacht clubs and small boat docks (with repair) with a conditional use permit.~~
- ~~(814) Intensive livestock, dairy, and poultry operations/~~commercial feedlot in accordance with section 34-225 and the other provisions of this division.
- ~~(912) Home occupations in accordance with Article XXIV, Section 34-711~~conducted by the occupant.
- ~~(13) Cemeteries and airports, with a conditional use permit.~~
- ~~(104) Accessory uses/~~buildingsstructures provided there is an existing primary use/structure already existing on the subject property. Garages, or other accessory structures, such as carports, porches and stoops, attached to the main building shall be considered part of the main building.
- ~~(15) Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewage installations.~~

Formatted: Indent: First line: 0"

Formatted: Indent: Left: 0.33", First line: 0"

~~(116) Public telecommunication facilities approved by the state public telecommunication board with the exception of television, radio towers and other structures not necessary to house electronic apparatus public utilities and facilities regulated by the state corporation commission.~~

~~(17) Private, utility generation, booster or relay stations, transformer substations, transmission lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewage installations, with a conditional use permit.~~

~~(128) Manufactured/mobile homes, single- and double-wide, designed for single-family residential use, on individual lots with a permanent foundation, approved by the building official. The open space beneath each manufactured/mobile home shall be skirted with an approved weather-resistant material within 90 days after occupancy of the unit.~~

~~(19) Mass gathering, with a conditional use permit.~~

~~(20) Tire storage, with a conditional use permit.~~

~~(21) Sporting clays field and pistol range, with a conditional use permit.~~

~~(22) Processing plant for agricultural and forestry products, with a conditional use permit.~~

~~(23) Processing plant for fertilizer and chemicals for agricultural uses, with a conditional use permit.~~

~~(24) Sawmills, with a conditional use permit.~~

~~(25) Planing mills, with a conditional use permit.~~

~~(1326) Governmental service Federal, state, and local government office buildings and their associated facilities.~~

~~(27) Extraction of natural resources and storage of salt, sand and minerals, with a conditional use permit.~~

~~(28) Sanitary landfill, with a conditional use permit.~~

~~(29) Livestock market, with a conditional use permit.~~

~~(30) Farm supplies, agricultural equipment sales and services, with a conditional use permit.~~

~~(31) Commercial horse and pony farms, riding stables, horse show area and horse racing tracks, with a conditional use permit.~~

~~(32) Towing/wrecker service with storage of inoperable and/or damaged vehicles allowed within fully enclosed structures such as warehouses, garages or similar buildings, with a conditional use permit.~~

~~(1433) Garage apartment, accessory to a single-family dwelling on the same lot, with a conditional use permit and subject to the following:~~

~~a. The garage apartment shall not contain more than two rooms plus a kitchenette and bathroom.~~

~~b. The owner must reside in the single-family dwelling.~~

~~c. The garage apartment shall not be offered to the general public for rent and the use of the garage apartment shall be limited to either members of the principal owner's family or to domestic servants/caretakers employed by the owner.~~

~~d. A detached garage apartment shall contain 50 percent storage space.~~

~~e. A detached garage apartment shall be located behind the single-family dwelling and shall meet the same minimum setbacks prescribed by the zoning district for a single-family dwelling.~~

Formatted: List 2

~~f. A detached garage apartment shall not be taller than the single-family structure to which it is accessory.~~

~~g. No dwelling units other than the principal single-family dwelling and one such garage apartment shall be located on a lot, tract or parcel of land.~~

~~(34) Trucking operation, with a conditional use permit.~~

~~(35) Organics recycling facility, with a conditional use permit.~~

~~(36) Two-family dwelling, with a conditional use permit.~~

~~(1537) Private kennel, privates, accessory to a single-family residence, not for compensation to the owner/resident.~~

~~(38) Commercial kennels, with a conditional use permit.~~

~~(1639) Wayside stand, roadside stand, farmers market.~~

~~(40) Commercial child/adult care centers, with a conditional use permit.~~

~~(41) Commercial greenhouses, with a conditional use permit.~~

~~(1742) Public safety service Volunteer fire or rescue squad.~~

~~(43) Retreat centers, with a conditional use permit.~~

~~(1844) Churches and their associated facilities.~~

~~(1945) Educational facility, primary/secondary Public schools.~~

~~(46) Private schools and training facilities, with a conditional use permit.~~

~~(47) Corporate training facility with overnight accommodations, with a conditional use permit.~~

~~(48) Golf driving range, miniature golf course, with a conditional use permit.~~

~~(2049) Construction office temporary Mobile home or travel trailer as a temporary use during the period of construction of a commercial, industrial or public structure of development, public facility or public utility. Travel trailers under no circumstances are to be permitted as permanent livable dwelling units.~~

~~(50) Animal hospital, animal boarding place, veterinary service, with a conditional use permit.~~

~~(51) Assembly hall, with a conditional use permit.~~

~~(52) Day camps and summer camps, outdoors, with a conditional use permit.~~

~~(53) Community center, with a conditional use permit.~~

~~(54) Bed and breakfast, with a conditional use permit.~~

~~(55) Mud bog, with a conditional use permit.~~

~~(2156) Group homes for up to eight mentally ill or disabled persons with staff are to be considered as occupancy by a single family. (Current illegal use of or addiction to a controlled substance is excluded from the definition of mental illness.)~~

~~(2257) Convenience center Materials recycling/sorting facility, with a conditional use permit.~~

~~(58) Asphalt plant facility, with a conditional use permit.~~

~~(59) Licensed farm distilleries, breweries and wineries per Code of Virginia, § 15.2-2288.3.~~

~~(23) Stable, private.~~

Formatted: Indent: Left: 0.66", First line: 0"

Formatted: List 3

Created: 2023-12-19 11:51:27 [EST]

-
- [\(24\) Family day home.](#)
 - [\(25\) Aquaculture.](#)
 - [\(26\) Farmer's market.](#)
 - [\(27\) Greenhouse, private.](#)
 - [\(28\) Guest house.](#)
 - [\(29\) Public maintenance and service facility.](#)
 - [\(30\) Transfer station.](#)

(Code 1991, § 16-22; Ord. of 11-18-1988, § 2-1; Ord. of 7-19-1990(2); Ord. of 2-21-1991; Res. of 4-4-1991; Ord. of 1-16-1995; Ord. of 3-6-1995; Ord. of 3-16-1995; Ord. of 4-16-1995; Ord. of 6-18-1998; Ord. No. 99-07; Ord. of 4-15-1999; Ord. No. 2000-01; Ord. No. 2002-01; Ord. No. 2005-02, 5-9-2005; Ord. No. 2005-04; Ord. No. 2009-03, 8-20-2009; Ord. of 8-18-2022, § 16-22)

[\(b\) Conditional uses:](#)

- [\(1\) Abattoir.](#)
- [\(2\) Agricultural farm equipment sales/service.](#)
- [\(3\) Agricultural processing facility.](#)
- [\(4\) Agricultural supply sales/service.](#)
- [\(5\) Airport.](#)
- [\(6\) Assisted living facility.](#)
- [\(7\) Auction establishment.](#)
- [\(8\) Bed and breakfast.](#)
- [\(9\) Blacksmith.](#)
- [\(10\) Brewery, distillery, cidery per Virginia Code Section 15.2-2288.3.](#)
- [\(11\) Campground.](#)
- [\(12\) Cemetery.](#)
- [\(13\) Child care center.](#)
- [\(14\) Club.](#)
- [\(15\) Commercial indoor entertainment.](#)
- [\(16\) Commercial outdoor entertainment/sports and recreation.](#)
- [\(17\) Commercial outdoor swimming pool and tennis facility.](#)
- [\(18\) Communication tower.](#)
- [\(19\) Community center.](#)
- [\(20\) Construction sales and service.](#)
- [\(21\) Construction yard.](#)
- [\(22\) Contractor office and storage facility.](#)
- [\(23\) Cultural service.](#)
- [\(24\) Custom manufacturing.](#)
- [\(25\) Dwelling, two-family or duplex.](#)
- [\(26\) Educational facility, college/university.](#)
- [\(27\) Equipment sales and service.](#)
- [\(28\) Event center.](#)
- [\(29\) Flea market.](#)
- [\(30\) Golf course.](#)
- [\(31\) Greenhouse, commercial.](#)
- [\(32\) Halfway house.](#)

-
- [\(33\) Kennel, commercial.](#)
 - [\(34\) Landfill, sanitary.](#)
 - [\(35\) Lawn and garden services.](#)
 - [\(36\) Livestock market.](#)
 - [\(37\) Manufactured home, temporary.](#)
 - [\(38\) Marina.](#)
 - [\(39\) Mini-storage facility.](#)
 - [\(40\) Motor vehicle repair service, minor.](#)
 - [\(41\) Mud bog.](#)
 - [\(42\) Planning mill facility.](#)
 - [\(43\) Public utility, community.](#)
 - [\(44\) Public utility, neighborhood.](#)
 - [\(45\) Railroad yard.](#)
 - [\(46\) Recycling facility.](#)
 - [\(47\) Resource extraction.](#)
 - [\(48\) Retreat center.](#)
 - [\(49\) Salvage yard.](#)
 - [\(50\) Sawmill.](#)
 - [\(51\) Shipping container.](#)
 - [\(52\) Shooting range, outdoor.](#)
 - [\(53\) Stable, commercial.](#)
 - [\(54\) Truck terminal.](#)
 - [\(55\) Towing service storage yard.](#)
 - [\(56\) Veterinary hospital/clinic.](#)
 - [\(57\) Warehouseing and distribution.](#)

Sec. 34-218. Height regulations.

In the A-1 General Agricultural District buildings may be erected up to 35 feet or two stories, whichever is less in height, except that:

- (1) A public or semi-public building such as a school or church may be erected to a height of 60 feet from the grade, provided that required front, side and rear yards shall be increased by one foot for each foot in height over 35 feet.
- ~~(2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt.~~
- (23) No accessory building which is within 20 feet of any property line shall be more than one story high. All accessory buildings shall be less than the main building in height, provided that an accessory structure may be erected up to a height of 35 feet when located at least 150 feet from the main building and at least 100 feet from any property line.
- (34) A conditional use granted by the board of supervisors for an industrial use in the A-1 zone may achieve a height increase equivalent to that which is allowed in the I-1 or I-2 zoning districts, pending approval by the zoning administrator. The board of supervisors, following a recommendation by the planning commission, may also consider and grant increases to height for industrial uses during the conditional use permit public hearing process.

(Code 1991, § 16-23; Ord. of 11-18-1988; Ord. of 8-18-2022, § 16-23)

Sec. 34-219. Area regulations.

- (a) The minimum lot area for permitted uses in an A-1 district shall be two acres (87,120 square feet). For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. ~~No new lot created for residential purposes shall be designed, approved by or employed for use in which an area more than thirty (30) percent of the prescribed minimum lot area is comprised of one (1) or more environmentally sensitive areas, including jurisdictional wetlands, 100-year floodplain and/or steep slopes. The minimum lot area for permitted uses shall not include areas identified as jurisdictional wetlands or areas within a 100-year floodplain.~~
- (b) The minimum number of acres on which any new general livestock, dairy or poultry facility may be established shall be the larger of either the number of acres required by the nutrient management plan or a minimum of 50 acres.
- ~~(c) The minimum number of acres on which any new intensive livestock, dairy or poultry facility may be established shall be the larger of either the number of acres required by the nutrient management plan or a minimum of 50 acres for the first 300 animal units, plus ten acres for each additional 300 animal units or a portion thereof.~~
- ~~(d) Existing livestock, dairy and poultry operations in use as of the effective date of the ordinance from which this division is derived which do not have sufficient acres, as required in this section, shall be considered nonconforming existing uses and may continue as long as the operation is not abandoned for two years continuously and there is no increase in the size or number of livestock, dairy and poultry kept on the parcel at one time and there is no dimension in the size of the parcel of land containing the intensive livestock, dairy and poultry facility.~~
- ~~(e) For sanitary landfill operations the minimum area requirement is 200 acres.~~

(Code 1991, § 16-4; Ord. of 11-18-1988; Ord. of 3-15-1995; Ord. of 10-16-1998; Ord. of 8-18-2022, § 16-24)

Sec. 34-220. Setback regulations.

- (a) Any new general livestock, dairy and poultry operations in the A-1 district shall be located 1,000 feet from any primary street, secondary street, road or highway right-of way. ~~Any new intensive livestock, dairy and poultry operations in the A-1 district shall be located at least 1,500 feet from any primary street, secondary street, road or highway right-of way.~~
- ~~(b) Existing livestock, dairy and poultry operations in use as of the effective date of the ordinance from which this division is derived which do not meet the required setback from a street right-of way, as required in subsection (a) of this section, shall be considered legal nonconforming uses and may continue so long as the operation is not abandoned for two years continuously. No expansions of any such nonconforming livestock, dairy and poultry operations may come close to the street right-of way.~~
- (c) In the A-1 district, all structures shall be located 100 feet or more from any street right-of-way. This shall be known as the setback line. However, public utility distribution facilities and signs advertising the sale or rental of property may be erected up to the property line.
- (d) Accessory uses/~~buildings~~structures. No accessory use/~~building~~structure may be closer to the street right-of-way than the principal use/structure and must be located at least five feet from any side or rear property line.

(Code 1991, § 16-27; Ord. of 11-18-1988; Ord. of 10-16-1998; Ord. of 11-15-2007(2); Ord. of 8-18-2022, § 16-26)

Sec. 34-221. ~~Public road~~Minimum frontage and width regulations.

- (a) The minimum frontage ~~and width for permitted uses located on a public road~~ in an A-1 district shall be 300 feet ~~or more at the setback line.~~
- (b) ~~The lot shall meet the minimum width requirement of three hundred (300) feet at the minimum required front setback.~~
- (c) ~~All structures shall be setback where the lot meets the minimum setback requirement.~~
- (d) ~~The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of the minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets the minimum three hundred (300) feet of width.~~

(Code 1991, § 16-27; Ord. of 8-18-2022, § 16-27)

Sec. 34-222. Yard regulations.

- (a) Side. The minimum side yard for each main structure in an A-1 district shall be 25 feet, and the total width of the two required side yards shall be 50 feet or more.
- (b) Rear. Each main structure shall have a rear yard of 50 feet or more.
- (c) Any new general livestock, dairy and poultry operations shall be at least 500 feet from any property line; 1,000 feet from any residence; and 2,000 feet from any school, business, public facility, church, incorporated town, residential subdivision or public well.
- ~~(d) Any new intensive livestock, dairy and poultry operations shall be at least 1,000 feet from any property line; 2,000 feet from any residence; and 3,960 feet from any school, business, public facility, church, incorporated town, residential subdivision or public well.~~
- (de) Any sanitary landfill operation shall be located at least one mile from any residence, school or business, public facility and church; and at least 750 feet from any property lines.
- (ef) The land application of effluent from any new general and intensive livestock, dairy and poultry operations shall be at least 300 feet from any permanent or intermittent stream measuring from the edge of the channel; 100 feet from property lines not adjacent to streams; and 500 feet from any residence not located on the same property unless the adjacent property owner agrees to a lesser setback. In addition, the county may require soil sampling as deemed necessary, for any new intensive livestock, dairy and poultry operations, to ascertain the level of nitrates, potassium, phosphates and any other nutrients in the soil prior to land application of effluent. The signing of an agreement to have effluent land applied will constitute permission to allow random soil sampling testing by the county or its agents.
- (fg) Existing ~~general~~ livestock, dairy and poultry operations in use as of the effective date of the ordinance from which this division is derived, which do not meet the required yard regulations, as required in this section, shall be considered legal nonconforming uses and may continue so long as the operation is not abandoned for two years continuously. Replacement, reconfiguration or modifications, including the addition of buildings or accessory structures, of any existing nonconforming livestock, dairy and poultry facilities in operation as of the effective date of the ordinance from which this division is derived may be permitted, provided that:
 - (1) There is no increase in the number of animal units kept at the operation.
 - (2) A nutrient management plan is obtained as provided for this division.

Formatted: Block 1

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

-
- (3) Replacement facilities, the reconfiguration of existing facilities, and modifications, including the addition of buildings or other accessory structures, shall meet the setback requirements in existence prior to the amendments of October 15, 1998.

(Code 1991, § 16-28; Ord. of 11-18-1988; Ord. of 12-17-1998; Ord. of 10-15-1998; Ord. of 11-15-2007(2); Ord. of 12-20-2007; Ord. of 8-18-2022, § 16-28)

Sec. 34-223. Special provisions for corner lots.

- (a) Of the two sides of a corner lot in an A-1 district, the front shall be deemed to be the shortest of the two sides fronting on streets.
- (b) The minimum side yard on the side facing the side street shall be equal to the front yard setback~~35 feet~~ for both main and accessory buildings.

(Code 1991, § 16-39; Ord. of 11-18-1988, § 2-8; Ord. of 8-18-2022, § 16-29)

Sec. 34-224. Off-street parking.

Off-street parking in an A-1 district shall be as required by section 34-195.

(Code 1991, § 16-30; Ord. of 11-18-1988; Ord. of 11-15-2007(2); Ord. of 8-18-2022, § 16-30)

Sec. 34-225. Development plans; nutrient management plan; certified plat required.

- (a) Each application for livestock, dairy or poultry operation shall be accompanied by a plat or similar documentation acceptable to the zoning administrator for the entire parcel with location of the proposed operation. With this plat or similar documentation the operator shall submit a written statement sworn to and subscribed before a notary public by which the operator certifies to the zoning administrator that the operation shown on the plat or similar documentation meets all applicable setback requirements of this division and the plat or similar documentation is a complete and accurate depiction of the facility on the parcel.
- (b) Livestock, dairy or poultry operations development plans.
- (1) In the A-1 district, a livestock raiser, dairy operator or poultry grower or a potential raiser, owner, or grower may file with the zoning administrator a development plan which indicates the number, size and location of livestock, dairy or poultry facilities planned for the subject parcel. When such development plan has been approved and filed with the zoning administrator and during the period in which it remains in effect, the planned facilities shall be obliged to meet setbacks only from those dwellings and uses existing at the time the development plan is approved.
 - (2) The development land shall be based on the requirements of this division and shall be accompanied by a plat or similar documentation verifying the accuracy of the distances shown in the development plan and continuing all of the data required hereinabove.
 - (3) The development plan shall remain in force only so long as the facilities proposed are constructed in accordance with the development plan and are placed in service in a timely manner.
 - (4) At least one-third of the number of head of livestock or dairy animals subject to this division, or one poultry facility indicated in the development plan must be placed into service within 12 months of the date on which the development plan is approved by the zoning administrator, unless at least one-third of the number of livestock, dairy or one such poultry facility is already in service on the subject parcel

Created: 2023-12-19 11:51:27 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

at the time of development plan may only be obtained if no more than five years have passed since the date on which the development plan was approved by the zoning administrator.

- (5) The operator shall notify the zoning administrator in writing within 30 days of placement into service of any facilities indicated in his development plan.
- (6) In the event an operator fails to build or have in place the minimum number of head required in subsection (b)(4) of this section or poultry facility indicated in the development plan within 12 months of obtaining zoning approval, or fails to obtain zoning approval for any of the facilities indicated in his development plan within the prescribed five-year period the zoning administrator shall revoke the development plan and all future development plans of facilities on the subject parcel until they shall strictly conform to the requirements of this division.

Each parcel for which a development plan has been approved by the zoning administrator shall display at its entrance a sign no smaller than two square feet, or larger than four square feet, clearly visible from the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words "Certified Intensive Livestock Development Site."

(c) Nutrient management plan.

- (1) After the effective date of the ordinance from which this division is derived, no operation consisting of at least 150 animal units shall be issued a zoning permit until a nutrient management plan for the proposed facility has been reviewed and approved by the state department of conservation and recreation or by the state cooperative extension service or other appropriate state agencies.
- (2) The nutrient management plan shall provide for the safe disposal or use of all manure and animal waste produced by each facility.
- (3) If off-site disposal is part of the nutrient management plan, the grower, raiser or operator shall provide, as part of the nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the grower's facility. Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes. In addition, when effluent is to be spread on land belonging to a second party the agreement will include notification of the requirement of section 34-222. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The grower shall notify the zoning administrator whenever such an agreement is terminated before its stated expiration date within 15 days of such termination.
- (4) The nutrient management plan shall also provide for a site, with or without a permanent structure, for the storage of animal wastes which shall meet all applicable requirements and standards of the commonwealth and any department or division thereof. If an operator is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, then the zoning administrator, after consultation with the operator's engineer, may permit the storage site to be located on land owned by the operator adjacent to the facility; or, if there is a valid agreement for off-site disposal as provided in the division, the zoning administrator may permit the storage site to be located on a parcel specified in the agreement for such off-site disposal.
- (5) Notwithstanding the provision of this section, a raiser, operator or grower whose facilities were in operation prior to the effective date of the ordinance from which this division is derived, in attempting to comply with the requirement to provide a better storage site within two years from the adoption of the ordinance from which this division is derived, may locate an animal waste storage site within any setback otherwise required in this division upon satisfaction that the storage site will not encroach upon setbacks to a great extent than the existing facility.

Created: 2023-12-19 11:51:28 [EST]

- (6) The nutrient management plan, unless sooner required by the provisions of this article or by the commonwealth or any department or division thereof, shall be reviewed and updated every ten years by an agent of the state department of conservation and recreation or by the state cooperative extension service or by a person certified or employed by the commonwealth as a nutrient management planner.

(Code 1991, § 16-32; Ord. of 11-18-1988; Ord. of 3-15-1995; Ord. of 10-16-1998; Ord. of 8-18-2022, § 16-32)

Sec. 34-226. Density requirements.

The permitted density in the A-1 district shall not be more than one dwelling (single-family dwelling or manufactured/mobile home) per lot, parcel or tract of land.

(Code 1991, § 16-33; Ord. of 11-18-1988; Ord. of 3-15-1999; Ord. of 8-18-2022, § 16-33)

Secs. 34-227—34-245. Reserved.

DIVISION 3. RURAL RESIDENTIAL DISTRICT, R-R

Sec. 34-246. Statement of intent.

This division applies to the R-R Rural Residential District. The R-R district covers certain portions of the county now devoted predominantly to various open spaces, such as farms and forests, into which [low density](#) residential or other types of development have and can reasonably be expected to expand in the foreseeable future, but where location and timing of public programs will not generally support higher densities. This district is established to permit existing farming operations and related businesses to continue as interim uses while protecting watersheds and conserving water and other natural resources. This district is also established to:

- (1) Help protect property values from the adverse effects of unregulated development;
- (2) Provide for orderly development;
- (3) Discourage the random scattering of residential and commercial uses into the area; and,
- (4) Prevent premature urbanization.

(Code 1991, § 16-46; Ord. of 11-18-1988)

Sec. 34-247. Use regulations.

~~In the Rural Residential district, The following uses and structures are permitted in the (R-R), structures to be erected or land to be used shall be for one (1) or more of the following uses district:~~

(a) Permitted Uses:

- (1) ~~Agriculture, including livestock and poultry operation uses on lots of at least five acres involving the tilling of the soil, the raising of crops, horticulture, forestry and gardening, but does not include the raising of livestock or poultry.~~

(2) Silviculture.

- ~~(3) Dwelling, etched~~ single-family, detached, including modular units dwelling on an individual lot.

Formatted: Indent: First line: 0"

- (4) Dwelling, single-family, attached or townhouse.
- ~~(53) Educational facility, primary/secondaryPublic schools.~~
- ~~(64) Church and associated facilitieschurch bulletin board.~~
- ~~(75) Conservation area/nature preserveWildlife preserve, conservation area.~~
- ~~(86) Public parks and or playgrounds.~~
- ~~(97) Home occupation in accordance with Article XXIV, Section 34-711s (office and child care).~~
- ~~(108) Public safety serviceVolunteer fire or rescue squad with a conditional use permit.~~
- ~~(9) Country general store with business sign.~~
- ~~(119) Family day homeOff street parking as required by this chapter.~~
- ~~(121) Construction office temporaryMobile home or travel trailer as temporary use during the period of construction of a commercial, industrial or public structure of development, public facility or public utility. Travel trailers under no circumstances are to be permitted as a permanent livable dwelling unit.~~
- ~~(132) Aquaculture.~~
- ~~(143) Manufactured home, double-widehouses/modular units at least 19 feet in width for single-family use on an individual lot with a permanent foundation approved by the Building Official and placed in a manner which renders the unit no longer transportable. Such units shall either have an enclosed or skirted foundation.~~
- ~~(14) Cemetery with a conditional use permit.~~
- (15) Governmental serviceLodges or country clubs with a conditional use permit.
- (16) Greenhouse, privateIf owned and operated by the county public utility generating, booster or relay stations, transformer substations, transmission lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities from the provision and maintenance of public utilities, including railroads and facilities, water and sewage installations. Public telecommunications facilities approved by the state public telecommunication board with the exception of television, radio towers and other structures not necessary to house electronic apparatus.
- ~~(17) If owned privately, or if owned by a public entity other than the county, public utility generating, booster or relay stations, transformer substations, transmissions lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance public utilities, including railroads and facilities, and water and sewage installations with a conditional use permit. Public telecommunication facilities approved by the state public telecommunication board with the exception of television, radio towers and other structures not necessary to house electronic apparatus.~~
- ~~(178) Guest housePrivate schools and training facilities with a conditional use permit.~~
- ~~(19) Commercial child care centers with a conditional use permit.~~
- ~~(20) Golf courses, golf driving ranges, miniature golf courses with a conditional use permit.~~
- ~~(1821)~~ Accessory uses/~~buildings~~structures, provided there is an existing principal use/structure already located on the subject property.
- ~~(1922)~~ Stable, privateMaintaining of horses and ponies, but not to include raising of livestock. One horse or pony shall be allowed per gross acre of land with the maximum number limited to no more than

Formatted: Not Highlight

~~five. Horses or ponies must be maintained within fenced areas located at least ten feet from all adjoining property lines.~~

~~(20) Kennel, private, accessory to a single-family residence, not for compensation to the owner/resident.~~

~~(21) Community recreation.~~

~~(22) Garage apartment.~~

~~(23) Real estate office, temporary.~~

~~(24) Wayside stand.~~

(Code 1991, § 16-47; Ord. of 11-18-1988)

(b) Conditional uses:

(1) Bed and breakfast

(2) Cemetery.

(3) Child care center.

(4) Club.

(5) Commercial outdoor entertainment/sports and recreation.

(6) Commercial outdoor swimming pool and tennis facility.

(7) Communication tower.

(8) Community center.

(9) Contractor office and storage facility.

(10) Dwelling, two-family or duplex.

(11) Educational facility, college/university.

(12) Event center.

(13) Farmer's market.

(14) General store, country.

[\(15\) Golf course.](#)

[\(16\) Greenhouse, commercial.](#)

[\(17\) Hospital.](#)

[\(18\) Kennel, commercial.](#)

[\(19\) Life care facility.](#)

[\(20\) Marina.](#)

[\(21\) Public telecommunication facility.](#)

[\(22\) Public utility, community.](#)

[\(23\) Public utility, neighborhood.](#)

[\(24\) Stable, commercial.](#)

Sec. 34-248. Height regulations.

In the R-R district, buildings may be erected up to 35 feet or two stories, whichever is less in height, except that:

- (1) A public or semi-public building such as a school or church may be erected to a height of 60 feet from the grade, provided that required front, side and rear yards shall be increased by one foot for each foot in height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt.
- (3) No accessory building which is within 20 feet of any property line shall be more than one story high. All accessory buildings shall be less than the main building in height, ~~provided that an accessory structure may be erected up to a height of 35 feet when located at least 150 feet from the main building and at least 100 feet from any property line.~~

(Code 1991, § 16-48; Ord. of 11-18-1988)

Sec. 34-249. Area regulations.

In the R-R district, the minimum lot area for permitted uses shall be ~~one~~two acres ~~(43,560~~87,120 square feet). For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. ~~No new lot created for residential purposes shall be designed, approved by or employed for use in which an area more than thirty (30) percent of the prescribed minimum lot area is comprised of one (1) or more environmentally sensitive areas, including jurisdictional wetlands, 100-year floodplain and/or steep slopes.~~The minimum lot area shall not include areas identified as jurisdictional wetlands or areas located within the 100-year floodplain.

Created: 2023-12-19 11:51:28 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(Code 1991, § 16-49; Ord. of 11-18-1988)

Sec. 34-250. Setback regulations.

In the R-R district, structures shall be located ~~60±00~~ feet or more from any street right-of-way. This shall be known as the setback line. However, public utility distribution facilities and signs advertising the sale or rental of property may be erected up to the property line.

(Code 1991, § 16-50; Ord. of 11-18-1988)

Sec. 34-251. ~~MinimumPublic road~~ frontage and width regulations.

- (a) The minimum lot frontage and width for permitted uses located on a public road in the R-R district shall be one hundred fifty (150) feet or more~~300 feet at the setback line.~~
- (b) The lot shall meet the minimum width requirement of one hundred fifty (150) feet at the minimum required setback.
- (c) All structures shall be setback where the lot meets the minimum width setback requirement.
- (d) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of the minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets the minimum one hundred fifty (150) feet of width.

(Code 1991, § 16-51; Ord. of 11-18-1988)

Sec. 34-252. Yard regulations.

- (a) *Side.* The minimum side yard for each main structure in an R-R district shall be 25 feet.
- (b) *Rear.* Each main structure shall have a rear yard setback of 50 feet or more.
- (c) *Accessory uses/structures.* No accessory use/structure may be closer to the street right-of way than the principal use/structure and must be located at least five feet from any side or rear property line.

(Code 1991, § 16-52; Ord. of 11-18-1988)

Sec. 34-253. Special provisions for corner lots.

- (a) Of the two sides of a corner lot in an R-R district, the front shall deemed to be the shorter of the two sides fronting on streets.
- (b) The minimum side yard on the side facing the side street shall be equal to the front yard setback~~35 feet~~ for both main and accessory buildings.

(Code 1991, § 16-53; Ord. of 11-18-1988)

Sec. 34-254. Off-street parking.

Off-street parking in the R-R district shall be as required by section 34-195.

(Code 1991, § 16-54; Ord. of 11-18-1988)

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.58"

Sec. 34-255. Density requirements.

The permitted density in the R-R district shall not be more than one dwelling ~~(single family dwelling, modular unit, or manufactured home)~~ per lot, parcel, or tract of land.

(Code 1991, § 16-55; Ord. of 11-18-1988)

Secs. 34-256—34-273. Reserved.

DIVISION 4. RESIDENTIAL ESTATE DISTRICT, R-E

~~Sec. 34-274. Statement of intent.~~

~~(a) This division applies to the R-E Residential Estate District. The R-E district is established to:~~

- ~~(1) Provide for residential development at a density not to exceed one dwelling per lot; and~~
- ~~(2) Allow other selected uses which are compatible with the low density character of this district.~~

~~(b) It is the intent that this zoning district be utilized in areas of the county where soil and other conditions permit development of this density and in areas located within Utility Service Areas (USA) as outlined in the comprehensive plan. All uses in the R-E district shall have frontage on publicly dedicated streets.~~

~~(Code 1991, § 16-56; Ord. of 11-18-1988)~~

~~Sec. 34-275. Use regulations.~~

~~The following uses and structures are permitted in the R-E residential estate district:~~

- ~~(1) Detached single family dwellings on individual lots.~~
- ~~(2) Public schools, parks, playgrounds, athletic fields and other related facilities.~~
- ~~(3) Church and church bulletin board.~~
- ~~(4) Off street parking as required by this chapter.~~
- ~~(5) Home gardens (noncommercial).~~
- ~~(6) Home occupations (office and child care).~~
- ~~(7) Maintaining horse and ponies, but not to include raising of livestock. One horse/pony shall be allowed per gross acre of land with the maximum number limited to no more than five. Horses and ponies must be maintained within fenced areas located at least ten feet from all adjoining property lines.~~
- ~~(8) Manufactured houses/modular units at least 19 feet in width and placed in a manner which renders the unit no longer transportable. Such units shall either have an enclosed or skirted foundation.~~
- ~~(9) If owned and operated by the county public utility generating, booster or relay stations, transformer substations, transmission lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, water and sewage installations. Public telecommunications facilities approved by the state public telecommunication board with the exception of television, radio towers and other structures not necessary to house electronic apparatus.~~

Created: 2023-12-19 11:51:28 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(10) ~~If owned privately, or if owned by a public entity other than the county, public utility generating, booster or relay stations, transformer substations, transmissions lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance public utilities, including railroads and facilities, and water and sewage installations with a conditional use permit. Public telecommunication facilities approved by the state public telecommunication board with the exception of television, radio towers and other structures not necessary to house electronic apparatus.~~

(11) ~~Private schools with a conditional use permit.~~

(12) ~~Commercial child care centers with a conditional use permit.~~

(13) ~~Golf driving range, miniature golf course with a conditional use permit.~~

(14) ~~Accessory uses/structures provided there is an existing principal use/structure already located on the subject property.~~

(Code 1991, § 16-57; Ord. of 11-18-1988)

~~Sec. 34-276. Height regulations.~~

~~In the R-E district, buildings may be erected up to 35 feet or two stories, whichever is less in height, except that:~~

(1) ~~A public or semi-public building such as a school or church may be erected to a height of 60 feet from the grade, provided that required front, side and rear yards shall be increased by one foot for each foot in height over 35 feet.~~

(2) ~~Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt.~~

(3) ~~No accessory building which is within 20 feet of any property line shall be more than one story high. All accessory buildings shall be less than the main building in height, provided that an accessory structure may be erected up to a height of 35 feet when located at least 150 feet from the main building and at least 100 feet from any property line.~~

(Code 1991, § 16-58; Ord. of 11-18-1988)

~~Sec. 34-277. Area regulations.~~

~~In the R-E district, the minimum lot area for permitted uses shall be one acre (43,560 square feet). The minimum lot area shall not include areas identified as jurisdictional wetlands or areas located within a 100-year floodplain.~~

(Code 1991, § 16-59; Ord. of 11-18-1988)

~~Sec. 34-278. Setback regulations.~~

~~In the R-E rural estate district, structures shall be located 75 feet or more from any street right-of-way. This shall be known as the setback line. However, public utility distribution facilities and signs advertising the sale or rental of property may be erected up to the property line.~~

(Code 1991, § 16-60; Ord. of 11-18-1988)

~~Sec. 34-279. Public road frontage regulations.~~

The minimum frontage for permitted uses located on a public road in the R-E district shall be 150 feet at the setback line.

(Code 1991, § 16-61; Ord. of 11-18-1988)

~~Sec. 34-280. Yard regulations.~~

(a) ~~Side.~~ The minimum side yard for each main structure in an R-E district shall be 25 feet.

(b) ~~Rear.~~ Each main structure shall have a rear yard setback of 50 feet or more.

(c) ~~Accessory uses/structures.~~ No accessory use/structure may be closer to the street right of way than the principal use/structure and must be located at least five feet from any side or rear property line.

(Code 1991, § 16-62; Ord. of 11-18-1988)

~~Sec. 34-281. Special provisions for corner lots.~~

(a) ~~Of the two sides of a corner lot in an R-E district, the front shall deemed to be the shorter of the two sides fronting on streets.~~

(b) ~~The minimum side yard on the side facing the side street shall be 35 feet for both main and accessory buildings.~~

(Code 1991, § 16-63; Ord. of 11-18-1988)

~~Sec. 34-282. Off-street parking.~~

Off-street parking in the R-E district shall be as required by section 34-195.

(Code 1991, § 16-64; Ord. of 11-18-1988)

~~Secs. 34-27483—34-312. Reserved.~~

DIVISION 54. GENERAL RESIDENTIAL DISTRICT, R-1

~~Sec. 34-274313.~~ Statement of intent.

This division applies to the R-1 General Residential District. The R-1 district is composed of ~~certain quiet,~~ ~~low~~medium density residential areas ~~located within planning areas as designated by the Comprehensive Plan,~~ ~~including, plus~~ certain parts of the rural planning area open area where ~~similar~~ residential development currently exists and is appropriate for expansion~~appears likely to occur~~. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life, and to ~~limit/prohibit all~~ activities of a commercial nature. To these ends, development is limited to relatively medium~~low~~ concentrations, and permitted uses are representative of~~limited basically to~~ single-family ~~unit~~ dwellings, ~~detached and attached, and duplexes provided homes for the residents,~~ plus certain additional uses, such as schools, parks, churches, ~~and certain necessary~~ public facilities and limited commercial activities ~~to that serve surrounding~~ the residents ~~of the district. No maintaining of poultry if livestock is permitted in this~~

Created: 2023-12-19 11:51:28 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

~~district.~~ Additionally, all uses in the R-1 district shall be served by both public water and sewer utilities and have frontage on publicly dedicated streets. The Board of Supervisors, in its discretion, may waive the requirement for public water and sewer where such utilities are unavailable in reasonable proximity to the development.

(Code 1991, § 16-71; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-~~275~~314. Use regulations.

In the R-1 General Residential District, structures to be erected or land to be used shall be for one or more of the following uses:

(a) Permitted Uses:

- (1) Dwelling, single-family, detached, including dwellings, modular homes on an individual lot, units and manufactured homes at least 19 feet in width and located on permanent foundations.
- (2) Dwelling, two-family or duplex dwellings, with a conditional use permit.
- (3) Dwelling, single-family, attached or townhouse Multi-family dwellings, with a conditional use permit.
- (4) Churches and associated facilities.
- (5) Educational facility, primary/secondary Schools, parks and playgrounds, play fields and recreational facilities.
- (6) Public park or playground.
- (~~6~~7) Home occupations, type 1 in accordance with Article XXIV, Section 34-711 (office and child care) with a conditional use permit.
- (~~7~~8) Accessory uses/buildings/structures provided there is an existing primary use/structure already located in the subject property. Accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building.
- (~~8~~9) Public utilityies, neighborhoods such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities, with a conditional use permit. Public telecommunication facilities approved by the state public telecommunications board with the exception of television, radio towers, and other structures not necessary to house electronic apparatus.
- (10) Community center.
- (~~11~~9) Community recreation Golf course, country club with a conditional use permit.
- (~~12~~0) Construction office temporary Library.
- (~~13~~1) Family day home Hospitals, clinics, medical care facilities with a conditional use permit.
- (~~14~~2) Governmental service Planned unit developments (PUD) with a conditional use permit and in accordance with article IV of this chapter.
- (15) Public safety service.
- (16) Real estate office, temporary.

(Code 1991, § 16-72; Ord. of 11-18-1988)

(b) Conditional uses:

- (1) Child care center.

Formatted: Indent: First line: 0"

Created: 2023-12-19 11:51:28 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- (2) Cultural service.
 - (3) Dwelling, multi-family.
 - (4) Educational facility, college/university.
 - (5) Golf course.
 - (6) Home occupation, type 2 in accordance with Article XXIV, Section 34-711.
 - (7) Hospital.
 - (8) Life care facility.
 - (9) Manufactured/mobile home, double-wide.
 - (10) Public utility, community.

Sec. 34-~~276~~~~315~~. Height regulations.

Buildings in the R-1 district may be erected up to 35 feet in height, except that:

- ~~(1) The height limit for dwellings may be increased up to 45 feet and up to three stories if there are two side yards for each permitted use, each of which is 15 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.~~
- (12) A public or semi-public building such as a school, church, library or general hospital may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (23) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt.
- (34) No accessory building which is within 20 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the principal building in height.

(Code 1991, § 16-73; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-~~277~~~~316~~. Area regulations.

The minimum lot area stated below shall not include areas identified as jurisdictional wetlands or areas located within a 100-year floodplain.

- (1) For single-family dwellings, the minimum lot area shall be 15,000 square feet.
- (2) For two-family dwellings, the minimum lot area shall be 17,500 square feet.
- (3) For a multi-family dwelling, the minimum lot size shall be 43,560 square feet for the first two dwelling units plus and additional 5,000 square feet for each additional unit above the two dwelling units.
- (4) For all other uses permitted in this district, the minimum lot size shall be 20,000 square feet.
- (5) The zoning administrator may require a larger lot, if deemed necessary.

(Code 1991, § 16-74; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-~~278~~~~317~~. Lot coverage.

Buildings in the R-1 district, including accessory uses, shall not cover more than 25 percent of the area of the lot.

(Code 1991, § 16-75; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-~~279318~~. Setback regulations.

Structures in an R-1 district shall be located 50 feet or more from any street right-of-way except that signs advertising the sale or rent of premises may be erected up to the property line.

(Code 1991, § 16-76; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-~~280319~~. ~~MinimumPublic road~~ frontage and width regulations.

- ~~(1) The minimum lot frontage and width in an R-1 district at the setback line shall be 100 feet or more, and for each additional permitted dwelling unit there shall be at least ten feet of additional lot width at the setback line.~~
- ~~(2) The lot shall meet the minimum width requirement of one hundred (100) feet at the minimum required setback.~~
- ~~(3) All structures shall be setback where the lot meets a minimum width setback requirement of one hundred (100) feet at the "setback line."~~
- ~~(4) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of the minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets the minimum one hundred (100) feet of width.~~

(Code 1991, § 16-77; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-~~281320~~. Yard regulations.

- (a) *Side.* The minimum side yard for each principal structure in an R-1 district shall be 15 feet or more, and the total width of the two required side yards shall be 30 feet or more.
- (b) *Rear.* Each main structure shall have a rear yard of 35 feet or more.
- (c) *Accessory uses/structures.* Accessory uses/structures must be at least five feet from side and rear property lines.

(Code 1991, § 16-78; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-~~282321~~. Special provisions for corner lots.

- (a) Of the two sides of a corner lot in an R-1 district, the front shall be deemed to be the shorter of the two sides fronting on streets.
- (b) The side yard on the side facing the side street shall be 50 feet or more for both principal and accessory buildings.
- (c) Each corner lot shall have a minimum width at the setback line of 100 feet or more.

(Code 1991, § 16-79; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-~~283322~~. Off-street parking.

Off-street parking in an R-1 district shall be as required by section 34-195.

(Code 1991, § 16-80; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.58"

Secs. 34-~~284323~~—34-347. Reserved.

*DIVISION 56. MANUFACTURED/MOBILE HOME PARK~~HIGHER DENSITY~~
RESIDENTIAL DISTRICT, R-2*

Sec. 34-348. Statement of intent.

~~This division applies to the R-2 Manufactured/Mobile Home Park, Residential District. The R-2 district is intended to encourage high density manufacture/mobile home development characterized by residential development on smaller lot sizes and at higher densities, including detached and attached single-family homes, duplexes and multi-family development. These areas are more appropriately located within planning areas that exclude the rural planning area, and shall be served by public facilities so that the demand for manufactured/mobile home living may be met by the proper design and layout of manufactured/mobile homes and by the efficient use of open space needed for such dwellings; so that opportunities for better housing and recreation may be provided for occupants of manufactured/mobile homes; to encourage a more efficient use of land and public services; and, to provide a procedure which can relate the design and layout of a manufactured/mobile home development to the particular site in a manner consistent with the preservation of the property values of adjoining areas.~~

(Code 1991, § 16-96; Ord. of 11-18-1988, art. 5; Ord. No. 99-02, 4-15-1999)

Sec. 34-349. ~~Where permitted~~Reserved.

~~The county may, subject to statutory requirements, permit, in accordance with the provisions herein, the development of a single family, residential manufactured/mobile home parks within any previously established A-1 general agricultural district.~~

(Code 1991, § 16-97; Ord. of 11-18-1988, § 5-1; Ord. No. 99-02, 4-15-1999)

Sec. 34-350. Use regulations.

~~In the higher residential district R-2, structures to be erected or land to be used shall be for one (1) Structures to be erected or land to be used shall be for one or more of the following uses:~~

(a) Permitted Uses:

- (1) Dwelling, single-family, detached, including modular homes on an individual lot.
- (2) Dwelling, single-family, attached or townhouse.
- (3) Dwelling, two-family or duplex.
- (4) Dwelling, multi-family.
- (5) Church and associated facilities.
- (6) Educational facility, primary/secondary.
- (7) Public park or playground.
- (8) Home occupation, type 1 in accordance with Article XXIV, Section 34-711.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Not Highlight

(9) Accessory uses/buildings provided there is an existing primary use/structure already located on the subject property. Accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building.

(10) Public utility, neighborhood.

(11) Community center.

(12) Community recreation.

(13) Construction office, temporary.

(14) Family day home.

(15) Governmental service.

(16) Public safety service.

(17) Real estate office, temporary.

(18) Silviculture.

(b) Conditional Uses:

(1) Child care center~~Manufactured/mobile home park, major.~~

(2) Cultural service~~Child care center, with a conditional use permit.~~

(3) Educational facility, college/university~~Travel trailer park, with a conditional use permit.~~

(4) General store, country~~Accessory uses except that no accessory building will be closer than ten feet from any property line of the project.~~

(5) Golf course~~Public utilities, with a conditional use permit. Public telecommunication facilities approved by the state public telecommunication board with the exception of televisions, radio towers and other structures not necessary to house electronic apparatus.~~

(6) Home occupation, type 2.

(7) Hospital.

(8) Life care facility.

(Code 1991, § 16-98; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)

Sec. 34-351. Area regulations.

~~(a) —The minimum lot area stated below shall not include areas identified as jurisdictional wetlands or areas located within a 100-year floodplain permitted area for use in an R-2 district shall be two contiguous acres. Additional land may be added to an existing R-2 district if it is adjacent thereto, forms a logical addition to the existing R-2 district and is under the same ownership or control.~~

~~(1b) For single-family and two-family dwellings, the minimum lot area shall be ten thousand square feet. The procedure for an addition shall be the same as if an original application were filed.~~

(2) For a multi-family dwelling, the minimum lot size shall be forth-three thousand five hundred sixty (43,560) square feet for the first two (2) dwelling units plus an additional five thousand (5,000) square feet for each additional unit above the two dwelling units.

Created: 2023-12-19 11:51:28 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(3) For all other uses permitted in this district, the minimum lot size shall be twenty thousand (20,000) square feet.

(Code 1991, § 16-99; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)

Sec. 34-352. Setback regulations.

Structures in an R-2 district shall be located thirty-five (35) feet or more from any street right-of-way except that signs advertising the sale or rent of premises may be erected up to the property line.
(Ord. of 11-15-07)

Sec. 34-353. Minimum frontage and width regulations.

- (1) The minimum lot frontage and width in an R-2 district shall be one hundred (100) feet or more.
- (2) The lot shall meet the minimum width requirement of one hundred (100) feet at the minimum required setback.
- (3) All structures shall be setback where the lot meets a minimum width setback requirement of one hundred (100) feet at the "setback line."
- (4) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of the minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets the minimum one hundred (100) feet of width.

Sec. 34-354. Lot coverage.

Buildings in the R-2 district, including accessory uses, shall not cover more than twenty-five (25) percent of the area of the lot.

Density.

The permitted density in an R-2 district shall not be more than four manufactured/mobile homes per gross acre.

(Code 1991, § 16-100; Ord. of 11-18-1988, § 5-4; Ord. No. 99-02, 4-15-1999)

Sec. 34-355. Lot and yard regulations.

- (a) Side. The minimum side yard for each principal structure in an R-2 district shall be ten (10) feet or more, and the total width of the two (2) required side yards shall be twenty (20) feet or more.The minimum lot size per manufactured/mobile home in an R-2 district shall be 6,000 square feet. Each manufactured/mobile home lot shall have direct access to an interior park roadway or interior public street; no manufactured/mobile home lot shall have direct access to an exterior public street.
- (b) Rear. Each main structure shall have a rear yard of twenty-five (25) feet or more.The minimum width for each manufactured/mobile home lot shall be at least 100 feet, except that, for any manufactured/mobile home unit greater than 15 feet in width, the minimum lot width shall be one additional foot per foot for manufactured/mobile home width greater than 15 feet.
- (c) Accessory uses/buildings. Accessory uses/buildings must be at least five (5) feet from side and rear property lines.No manufactured/mobile home shall be placed within 25 feet of another, provided that, with respect to manufactured/mobile homes arranged end to end, the distance shall not be less than 15 feet.
- (d) No manufactured/mobile home shall be placed less than 25 feet from the R-2 district boundary.

Formatted: Font: Bold

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Bold

Created: 2023-12-19 11:51:28 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(e) ~~No manufactured/mobile home shall be placed less than 15 feet from any interior streets, walkways or common areas.~~

~~(Code 1991, § 16-101; Ord. of 11-18-1988, § 5-5; Ord. No. 99-02, 4-15-1999)~~

Sec. 34-356. Special provisions for corner lots.

Formatted: Font: Bold

- ~~(1) Of the two (2) sides of a corner lot in an R-1 district, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.~~
- ~~(2) The side yard on the side facing the side street shall be fifty (50) feet or more for both principal and accessory buildings.~~
- ~~(3) Each corner lot shall have a minimum width at the setback line of one hundred fifty (100) feet or more.~~

Sec. 34-357. Height regulations.

Formatted: Font: Bold

~~Buildings in the R-2 limited residential district may be erected up to 45 feet in height, except that:~~

- ~~(1) A public or semi-public building such as a school, church, library or general hospital may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 45 feet.~~
- ~~(2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt.~~
- ~~(3) No accessory building which is within 20 feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the principal building in height.~~

Sec. 34-3584. Off-street parking. ~~Manufactured/mobile home stand.~~

~~Off-street parking in an R-2 district shall be as required by Section 16-372, (Ord. of 11-15-07)~~

Formatted: Highlight

- ~~(a) *Required.* Each manufactured/mobile home in an R-2 district shall be placed on a manufactured/mobile home stand, defined for the purpose of this article as an area which has been reserved for the placement of a manufactured/mobile home.~~
- ~~(b) *Size and location.* The size of the manufactured/mobile home stand shall be suitable for the general market which is to be served and suitable to fit the dimensions of the anticipated manufactured/mobile homes, including their appurtenant structures or appendages, and shall be located at such elevation, distance and angle that placement and removal of the manufactured/mobile home is practical.~~
- ~~(c) *Gradient.* There shall be a zero percent to five percent longitudinal and adequate crown or cross gradient for surface drainage.~~

~~(Code 1991, § 16-102; Ord. of 11-18-1988, § 5-6; Ord. No. 99-02, 4-15-1999)~~

Created: 2023-12-19 11:51:28 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

~~Sec. 34-355. Markers for manufactured/mobile home lots.~~

~~Every manufactured/mobile home lot in an R-2 district shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot, as shown on a site plan, as required in article III, division 11 of this chapter.~~

~~(Code 1991, § 16-103; Ord. of 11-18-1988, § 5-7; Ord. No. 99-02, 4-15-1999)~~

~~Sec. 34-356. Height regulations.~~

~~(a) The maximum height of any manufactured/mobile home in an R-2 district shall be 18 feet from grade.~~

~~(b) The maximum height of any building or structure other than a manufactured/mobile home shall be 35 feet or 2½ stories.~~

~~(Code 1991, § 16-104; Ord. of 11-18-1988, § 5-6; Ord. No. 99-02, 4-15-1999)~~

~~Sec. 34-357. Storage tanks.~~

~~(a) Gasoline, liquefied petroleum, gas or heating oil storage tanks in an R-2 district shall be so installed as to comply with all county, state and national fire prevention code regulations.~~

~~(b) Where oil heating of a manufactured/mobile home is provided, only one fuel storage facility shall be provided on each manufactured/mobile home lot.~~

~~(Code 1991, § 16-105; Ord. of 11-18-1988, § 5-9; Ord. No. 99-02, 4-15-1999)~~

~~Sec. 34-358. Solid waste disposal.~~

~~The storage of refuse in the manufactured/mobile home park shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in containers, which shall be located in reasonable proximity to the manufactured/mobile home lots they serve. Containers shall be provided in sufficient number and capacity to properly store all refuse.~~

~~(Code 1991, § 16-106; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)~~

~~Sec. 34-359. Screening and landscaping.~~

~~(a) The manufactured/mobile home park shall contain a landscaped or wooded buffer which visually screens the park by means of a planted or natural growth of trees or shrubbery at least 25 feet in width and three feet in height along areas open to view from a public road and along all other exterior property boundary lines. This buffer area shall be in addition to space required for each mobile home site and shall not be used for other park facilities or accessory storage structures or parking areas. This site plan shall include a landscape plan for this open space indicating planting of shade trees and lower plant materials for open portions of the space and a plan for tree maintenance in wooded portions. The landscaping plan must be submitted to the zoning administrator for review and approval prior to construction or the issuance of any building permits. Continued maintenance to the open space and its planting shall be the responsibility of the owner or operator of the park.~~

~~(b) Each manufactured/mobile home site shall have at least one shade tree planted and maintained by the owner of the park.~~

Created: 2023-12-19 11:51:28 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(Code 1991, § 16-107; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)

Sec. 34-360. Skirting.

Each manufactured/mobile home in an R-2 district shall have approved skirting around its perimeter to screen its wheels and undercarriage. Skirting must be installed within 90 days after occupancy of the unit.

(Code 1991, § 16-108; Ord. of 11-18-1988, § 5-12; Ord. No. 99-02, 4-15-1999)

Sec. 34-35961. Required open space.

- (a) Not less than ten percent of the gross area of the R-2 districts shall be reserved as common open space for recreational facilities.
- (b) Such open space shall not include ~~manufactured/mobile home lots~~, any area covered by a structure, parking areas or accessory structures (except recreational structures which may be regarded as part of the ten percent of required open space), and shall not include proposed street rights-of-way.
- (c) All open space shall be preserved for its intended purposes, as expressed in the approved site plan.
- (d) Each ~~residential subdivision manufactured/mobile home park~~ shall provide not less than one multiple purpose developed recreational area of at least 10,000 square feet for the use of occupants of the ~~subdivision manufactured/mobile home park~~. Any ~~subdivision park~~ containing more than 100 units shall provide an additional minimum of 100 square feet of such recreation area per manufactured/mobile home lot in excess of 100 lots. The additional recreational area ~~may~~ shall be provided ~~appropriately~~ in ~~additional areas throughout the subdivision sites contiguous to the minimum area required above~~. The resulting area shall be considered as part of the open space ~~required by subsection (a) of this section~~.
- (e) The required multiple purpose developed recreational area shall include at least one of the following facilities: community buildings, swimming pools, playground, equipment, picnic pavilions, tot lots, tennis courts, basketball courts or baseball fields.
- (f) A recreational plan of development and/or site plan shall be submitted to the zoning administrator for review and approval describing all recreational facilities to be located within the park prior to construction or the issuance of any building permits.

(Code 1991, § 16-109; Ord. of 11-18-1988, § 5-13; Ord. No. 99-02, 4-15-1999)

Sec. 34-3602. Streets.

- (a) All internal streets must be ~~constructed in accordance with the Sussex County Subdivision Ordinance~~ hard-surfaced (paved) and shall be constructed in accordance with the sub-base and base specifications for subdivision streets as adopted by the Virginia Department of Transportation. If internal streets are to be private, the developer or owner of the manufactured/mobile home park must submit an agreement stating the internal streets will be properly constructed and maintained at no expense to the county.
- ~~(b) Each street located within the park shall be provided with a drainage ditch and necessary pipe culverts to provide for stormwater run-off. Stormwater management information shall be provided along with the required site plan.~~

(Code 1991, § 16-110; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)

Formatted: List 1

Sec. 34-36~~13~~. Water and sewer systems.

All ~~lots-manufactured/mobile home parks~~ shall be served by public water and sewer systems or central systems where public systems are not available. These systems must be approved by the state department of health and the county zoning administrator.

(Code 1991, § 16-111; Ord. of 11-18-1988, § 5-15; Ord. No. 99-02, 4-15-1999)

Sec. 34-36~~4~~. Site plan and requirements.

~~Prior to the commencement of any type of construction work pertaining to a manufactured/mobile home park, the owner or developer of that property shall meet the requirements of article III, division 11 of this chapter.~~

~~(Code 1991, § 16-112; Ord. of 11-18-1988, § 5-16; Ord. No. 99-02, 4-15-1999)~~

Sec. 34-36~~5~~. Off-street parking.

~~At least two off-street parking spaces shall be provided for each manufactured home lot. Space for one vehicle of the required two spaces must be provided upon the site. Where the second space is not provided upon the site, such space shall be provided in designated parking areas located no more than 200 feet from the site which it serves. All spaces must be of hard surfaces, dust-free construction. On-street parking is strictly prohibited.~~

~~(Code 1991, § 16-113; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)~~

Sec. 34-36~~6~~. Street lights.

~~Street lights must be provided at all entrances and shall be appropriately located throughout the manufactured/mobile home park. A street-lighting plan must be submitted to the zoning administrator for review and approval prior to construction or the issuance of any building permits.~~

~~(Code 1991, § 16-114; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)~~

Sec. 34-36~~7~~. Phasing.

~~All manufactured/mobile home parks containing in excess of 50 lots shall be phased at a rate not to exceed 35 lots per year and a phasing plan detailing the schedule for development must be submitted to the zoning administrator and approved by the planning commission prior to construction or the issuance of any building permits.~~

~~(Code 1991, § 16-115; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)~~

Sec. 34-36~~8~~. Accessory structures and space.

~~(a) Each manufactured/mobile home site shall provide an appropriate outdoor living space (patio) constructed of wood or concrete. The minimum size of each manufactured/mobile home patio shall be 100 square feet. Each patio shall be convenient to the entrance of the manufactured/mobile home.~~

~~(b) Each manufactured/mobile home site shall have a minimum area of 100 square feet available for the location/placement of a utility/storage building. Any such building shall be located on the side or in the rear portion of the site.~~

Created: 2023-12-19 11:51:29 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- (c) ~~Stairs, porches, entrance platforms, ramps, and other means of entrance or exit to and from the manufactured/mobile home shall be installed and/or constructed in accordance with the standards set forth in the Virginia Uniform Statewide Building Code.~~

~~(Code 1991, § 16-116; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)~~

~~Sec. 34-369. Rules and regulations.~~

- (a) ~~Manufactured/mobile home park owners/operators shall create a set of rules and regulations for his park. Such rules and regulations must include provisions that prohibit the location and abandoned or junked vehicles within the park; that require inoperable vehicles to be removed within a specified period of time; that prohibit the parking of campers and recreational vehicles unless a designated area has been reserved for such uses and that require the owners of domestic pets such as cats and dogs to have their animals under control at all times.~~
- (b) ~~Such rules and regulations shall be enforced by the owner/operator of the manufactured home park.~~
- (c) ~~A copy of these rules and regulations shall be filed in the county department of planning prior to construction or the issuance of any building permits.~~

~~(Code 1991, § 16-117; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)~~

~~Sec. 34-370. Register.~~

- (a) ~~It shall be the duty of the manufactured/mobile home park manager to keep a register containing a record of all manufactured home owners and occupants located within the park. The manager shall keep the register available for inspection at all times by law enforcement officers, health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the following information:~~
- ~~(1) The name and address of each manufactured home occupant.~~
 - ~~(2) The name and address of the owner, the make, model, and/or serial number and year, of each manufactured/mobile home.~~
 - ~~(3) The state where each manufactured home is registered.~~
 - ~~(4) The manufactured/mobile home site number to which each manufactured/mobile home is assigned.~~
 - ~~(5) The date of arrival, anticipated departure, and actual departure of each manufactured/mobile home.~~
- (b) ~~An updated copy of such register shall be filed each year in June with the county department of planning and the commissioner of the revenue.~~

~~(Code 1991, § 16-118; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)~~

~~Sec. 34-371. Expansion or enlargement.~~

~~No existing manufactured/mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new manufactured home park.~~

~~(Code 1991, § 16-119; Ord. of 11-18-1988; Ord. No. 99-02, 4-15-1999)~~

Secs. 34-372—34-400. Reserved.

Created: 2023-12-19 11:51:29 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 7. RURAL RESIDENTIAL-MANUFACTURED HOME DISTRICT, RR-MH

**DIVISION ~~7~~6. RURAL RESIDENTIAL-MANUFACTURED HOME PARK DISTRICT, ~~RR-~~
MHP**

Sec. 34-401. Statement of intent.

~~The R-MHP district is intended to encourage manufacture/mobile home development so that the demand for manufactured/mobile home living may be met by the proper design and layout of manufactured/mobile homes and by the efficient use of open space needed for such dwellings; so that opportunities for better housing and recreation may be provided for occupants of manufactured/mobile homes; to encourage a more efficient use of land and public services; and, to provide a procedure which can relate the design and layout of a manufactured/mobile home development to the particular site in a manner consistent with the preservation of the property values of adjoining areas.~~

~~This division applies to the RR-MH Rural Residential-Manufactured Home District. The purpose of the RR-MH district is to provide for low density residential manufactured/mobile home development in rural areas of the county where urban services, such as public water and sewer, are not available or planned in the near future. The district is intended to provide developmental flexibility by allowing for low density manufactured/mobile home development for those individuals who choose to live in a rural environment. The RR-MH district is established to provide basic standards that will preserve the rural character of the county and that will minimize the effects of manufactured/mobile home developments on surrounding properties.~~

(Code 1991, § 16-345; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-402. Use regulations.

~~Structures to be erected on land to be development in a RR-MH district shall be for the following uses:~~

- ~~(1) Manufactured/mobile home park, minor, single- and/or double-wide-~~
- ~~(2) Accessory uses except that no accessory building may be closer than ten feet from any adjoining property line.~~
- (3) Public utility, neighborhood.

(Code 1991, § 16-346; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-403. Area regulations.

- ~~(a) The minimum permitted area for uses in a RR-MHP district shall be two contiguous acres. Additional land may be added to an existing R-MHP district if it is adjacent thereto, forms a logical addition to the existing R-MHP district and is under the same ownership or controlLand may be added in the future to an existing RR-MH district if it is adjacent thereto, forms a logical addition to the existing RR-MH district, is under the same ownership or control and does not result in the creation of a manufacture/mobile home park, major.~~
- ~~(b) The procedure for any addition shall be the same as if an oriinal application were to or enlargement of the minimum required land area shall be the same as if an original application for a change of zoning district classification was filed.~~

~~.(c) The RR-MH district shall not be used to circumvent the provisions of the R-2 Manufactured/Mobile Home Park Residential District.~~

(Code 1991, § 16-347; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-404. Density requirements.

The permitted density in an ~~RR-MHP~~ district shall not exceed ~~four (4) three~~ manufactured/mobile homes per gross acre of land. ~~In no case shall there be more than nine manufactured/mobile units located upon any lot, field, parcel or tract of land in the RR-MH district.~~

(Code 1991, § 16-348; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-405. Lot and yard regulations.

- (a) The minimum lot size per manufactured/mobile home in an ~~RR-MHP~~ district shall be ~~six thousand (56,000)~~ square feet. Each manufactured/mobile home lot shall ~~have direct access to an interior park roadway or interior public street; no abut upon a street located within the boundaries of the development. No manufactured/mobile home lot shall have direct access to an exterior public street (secondary and/or primary road).~~
- (b) The minimum width for each manufactured/mobile home lot shall be at least 100 feet, except that, for any manufactured/mobile home unit greater than 15 feet in width, the minimum lot width shall be one additional foot per foot for manufactured/mobile home width greater than 15 feet.
- (c) No manufactured/mobile home shall be placed within 25 feet ~~of another, provided that, with respect to manufactured/mobile homes arranged end to end, the distance shall not be less than fifteen (15) feet from the RR-MH district boundary.~~
- (d) No manufactured/mobile home shall be placed less than 25 feet from the ~~RR-MHP~~ district boundary.
- (e) No manufactured/mobile home shall be placed less than 15 feet from any interior streets, walks, or common areas.

(Code 1991, § 16-349; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-406. Manufactured/mobile home stands.

- (a) *Required.* Each manufactured/mobile home in an ~~RR-MHP~~ district shall be placed on a manufactured mobile home stand, defined for the purpose of this article as an area which has been reserved for the placement of a manufactured/mobile home.
- (b) *Size and location.* The size of the manufactured/mobile home stand shall be suitable for the general market which is to be served and suitable to fit the dimensions of the anticipated manufactured/mobile homes, including their appurtenant structures or appendages, and shall be located at such elevation, distance and angle that placement and removal of the manufactured/mobile home is practical.
- (c) *Gradient.* There shall be a zero percent to five percent longitudinal and adequate crown or cross gradient for surface drainage.

(Code 1991, § 16-350; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-407. Markers for manufactured/mobile home lots.

Every manufactured/mobile home lot in an RR-MHP district shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot, as shown on a site plan, as required in Article X of this ordinance.
~~number corresponding to the number of each lot, as shown on the site plan (as required in article III, division 11 of this chapter) shall be posted and maintained in a conspicuous place on each lot.~~

(Code 1991, § 16-351; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Formatted: Highlight

Sec. 34-408. Height regulations.

- (a) The maximum height of any manufactured/mobile home in an RR-MHP district shall be 18 feet from grade.
- (b) The maximum height of any utility building accessory ~~structures or buildings to the park~~ other than a manufactured/mobile home shall be thirty-five (35) ~~48~~ feet from grade.

(Code 1991, § 16-352; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-409. Storage tanks.

- (a) Gasoline, liquefied petroleum, gas or heating oil storage tanks in an RR-MHP district shall be so installed as to comply with all county, state and national fire prevention code regulations.
- (b) Where oil heating ~~of~~ a manufactured/mobile home is provided, only one fuel storage facility shall be provided on each manufactured/mobile home lot.

(Code 1991, § 16-353; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-410. Solid waste disposal.

The storage of refuse in the manufactured/mobile home park shall be so conducted as to create no health hazard, rodent harborage, insect breeding area, accident or fire hazards or air pollution. All refuse shall be stored in containers, which shall be located in reasonable proximity to the manufactured/mobile home lots they serve. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(Code 1991, § 16-354; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-411. Required screening and landscaping.

- (a) The manufactured home park shall contain a landscaped or wooded buffer which visually screens the park by means of a planted or natural growth of trees or shrubbery at least twenty-five (25) feet in width and three (3) feet in height along areas open to view from a public road and along all other exterior property boundary lines. This buffer area shall be in addition to space required for each mobile home site and shall not be used for other park facilities or accessory storage structures or parking areas. This site plan shall include a landscape plan for this open space indicating planting of shade trees and lower plant materials for open portions of the space and a plan for tree maintenance in wooded portions. The landscaping plan must be submitted to the Zoning Administrator for review and approval prior to construction or the issuance of any building permits. Continued maintenance to the open space and its planting shall be the responsibility of the owner or operator of the park. A vegetative buffer at least ten feet in width and at least three feet in height shall be provided and maintained along the edges of a proposed development visible from a public road or

Created: 2023-12-19 11:51:29 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

~~from an adjoining property in order to protect residences from undesirable view, lighting, noise or other off-street influences. This buffer area shall be in addition to space required for each mobile home site and shall not be used for the location of accessory structures/buildings or for off-street parking areas.~~

~~(b) Fences or walls at least six feet in height may be provided in lieu of the vegetative buffer, if approved by the planning commission.~~

(be) Each mobile home site shall have at least one shade tree planted and maintained by the owner of the park.

(Code 1991, § 16-355; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-412. Skirting.

Each manufactured/mobile home in an RR-MHP district shall have approved skirting around its perimeter to screen its wheels and undercarriage. Skirting must be installed within 90 days after occupancy of the unit.

(Code 1991, § 16-356; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-413. Required open space/~~recreation areas~~.

- (a) Not less than ten percent of the gross area of the RR-MHP district shall be reserved as common open space.
- (b) Such open space shall not include manufactured/mobile home lots, any area covered by a structure, parking areas or accessory structures (except recreational structures which may be regarded as part of the ten percent of required open space), and shall not include proposed street rights-of-way.
- (c) All open space shall be preserved for its intended purpose, as expressed in the approved site plan.

~~(d) Each mobile home park shall provide not less than one (1) multiple purpose developed recreational area of at least 10,000 square feet for the use of occupants of the manufactured home park. Any park containing more than 100 units shall provide an additional minimum of 100 square feet of such recreation area per manufactured home lot in excess of 100 lots. The additional recreational shall be provided in sites contiguous to the minimum area required above. The resulting area shall be considered as part of the open space required by sub-section (a).~~

~~(e) The required multiple purpose developed recreational area shall include at least one of the following facilities: community buildings, swimming pools, playground, equipment, picnic pavilions, tot lots, tennis courts, basketball courts or baseball fields.~~

~~Any minor manufactured/mobile home park containing three or more lots shall provide a common space for outdoor recreation and recreational facilities that are age appropriate for the occupants of the park.~~

(fe) A recreation plan of development and/or site plan shall be submitted to the zoning administrator for review and approval describing all recreational facilities to be located within the park prior to construction or the issuance of any building permits.

(Code 1991, § 16-357; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-414. Streets.

- (a) All internal streets must be hard-surfaced (paved) and shall be constructed in accordance with the sub-base and base specifications for subdivision streets as adopted by the Virginia Department of Transportation. If internal streets are to be private, the developer or owner of the manufactured home park must submit an agreement stating the internal streets will be properly constructed and maintained at no expense to the county.

Formatted: Style 1, Justified, Right: 0.05", Space Before: 10.8 pt, No bullets or numbering, Tab stops: Not at 1.5"

Formatted: Font: (Default) Times New Roman

- (b) ~~Each street located within the park shall be provided with a drainage ditch and necessary pipe culverts to provide for stormwater run-off. Stormwater management information shall be provided along with the required site plan. Streets within RR-MH developments, containing three or more lots, must be hard-surfaced (paved) and shall be constructed in accordance with the sub-base and base specifications as adopted by the state department of transportation.~~
- (b) ~~Streets within RR-MH developments, containing less than three lots, must have an all-weather surface and shall be constructed in accordance with the minimum construction standard of the state department of transportation for unpaved roads without surface treatment.~~
- (c) ~~The county must approve all streets within manufactured/mobile home park minor developments and the owner or developer must make adequate provisions for the maintenance of such streets.~~
- (d) ~~Each street located within a RR-MH development shall be provided with a drainage ditch and necessary pipe culverts to provide for stormwater runoff. Stormwater management information shall be provided along with the required site plan.~~

(Code 1991, § 16-358; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-415. Water and sewer systems.

All manufactured/mobile home ~~parks~~~~developments within the RR-MH district~~ shall be served by ~~public~~~~appropriate central~~ water and sewer systems ~~or central systems~~ where public systems are not available. The ~~systems~~ ~~state department of health and the county zoning administrator~~ must be approved ~~by the state department of health and the county zoning administrator~~ ~~these systems prior to the issuance of any building permits.~~

(Code 1991, § 16-359; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-416. Site plan requirements.

Prior to the commencement of any type of construction work ~~pertaining to a manufactured/mobile home park~~, the owner or developer of the subject property shall meet the requirements of article III, division 11 of this chapter.

(Code 1991, § 16-360; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-417. Off-street parking.

~~At least two (2) off-street parking spaces shall be provided for each manufactured home lot. Space for one (1) vehicle of the required two (2) spaces must be provided upon the site. Where the second space is not provided upon the site, such space shall be provided in designated parking areas located no more than two hundred (200) feet from the site which it serves. All spaces must be of hard-surfaces, dust-free construction. On-street parking is strictly prohibited.~~

~~At least one off-street parking space shall be provided for each manufactured home lot.~~

(Code 1991, § 16-361; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-418. ~~Street lights~~Outdoor lighting.

~~Street lights must be provided at all entrances and shall be appropriately located throughout the manufactured home park. A street lighting plan must be submitted to the Zoning Administrator for review and approval prior to construction~~

or the issuance of any building permits.

~~Outdoor lights must be provided and shall be appropriately located throughout the development. A lighting plan must be submitted to the zoning administrator for review and approval prior to construction or the issuance of any building permits.~~

(Code 1991, § 16-362; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-419. Accessory structures and space.

- (a) ~~Each manufactured home site shall provide an appropriate outdoor living space (patio) constructed of wood or concrete. The minimum size of each manufactured home patio shall be one hundred (100) square feet. Each patio shall be convenient to the entrance of the manufactured home.~~
- (b) ~~Each manufacture home site shall have a minimum area of one hundred (100) square feet available for the location/placement of a utility/storage building. Any such building shall be located on the side or in the rear portion of the site. Each manufactured home site shall have a minimum area of 100 square feet available for the location/placement of a utility/storage building. Any such building shall be located on the side or in the rear portion of the site.~~
- (c) Stairs, porches, entrance platforms, ramps and other means of entrance or exit to and from the manufactured home shall be installed and/or constructed in accordance with the standards set forth in the Virginia Uniform Statewide Building Code.

(Code 1991, § 16-363; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-420. Rules and regulations.

- (a) ~~Manufactured home park owners/operators shall create a set of rules and regulations for his/her park. Such rules and regulations must include provisions that prohibit the location and abandoned or junked vehicles within the park; that require inoperable vehicles to be removed within a specified period of time; that prohibit the parking of campers and recreational vehicles unless a designated area has been reserved for such uses and that require the owners of domestic pets such as cats and dogs to have their animals under control at all times. Such rules and regulations shall be enforced by the owner operator of the manufactured home park. Where applicable, the owner or operator of a development within the RR-MH district shall create a set of rules and regulations for the site in question. Such rules and regulations must include provisions that prohibit the location of abandoned or junked vehicles within the development; that require inoperable vehicles to be removed within a specified period of time; that prohibit the parking of campers and recreational vehicles unless a designated area has been reserved for such uses and that require the owners of domestic pet such as cats and dogs to have their animals under control at all times. Such rules and regulations shall be enforced by the owner/operator of the manufactured/mobile home development.~~
- (b) A copy of these rules and regulations shall be filed in the county department of planning prior to construction or the issuance of any building permits.

(Code 1991, § 16-364; Ord. of 11-18-1988; Ord. No. 99-03, 5-20-1999)

Sec. 34-421. Phasing.

All manufactured home parks containing in excess of fifty (50) lots shall be phased at a rate not to exceed thirty-five (35) lots per year and a phasing plan detailing the schedule for development must be submitted to the Zoning Administrator and approved by the Planning commission prior to construction or the issuance on any building permits.

Created: 2023-12-19 11:51:29 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Sec. 34-422. Register.

It shall be the duty of the manufactured home park manager to keep a register containing a record of all manufactured home owners and occupants located within the park. The manger shall keep the register available for inspection at all times by law enforcement officers, Health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the following information:

- (a) The name and address of each manufactured home occupant.'
- (b) The name and address of the owner, the make, model, and/or serial number and year, of each manufactured home.
- (c) The State where each manufactured home is registered.
- (d) The manufactured home site number to which each manufactured home is assigned.
- (e) The date of arrival, anticipated department, and actual departure of each manufactured home.

An updated copy of such register shall be filed each year in June with the County Department of planning and the Commissioner of Revenue.

Sec. 34-423. Expansion or enlargement.

No existing manufactured home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new manufacture home park.

Secs. 34-424—34-438. Reserved.

DIVISION 28. LIMITED BUSINESS DISTRICT, B-1

Sec. 34-439. Statement of intent.

This division applies to the B-1 Limited Business District. The primary purpose of the B-1 district is to establish and protect a business district that will serve the surrounding residential districts. Traffic and parking congestion is to be held to a minimum to protect and preserve property values in the surrounding residential districts and, insofar as possible, all neighborhood business development shall take place in a limited business district. The minimum area of such a district shall be one block and only include such activities as are necessary for the day-to-day operation of a normal household. In most instances, these areas are not located on major traffic arteries.

(Code 1991, § 16-131; Ord. of 11-18-1988)

Sec. 34-440. Use regulations.

In B-1 districts, structures to be erected or land to be used shall be for one or more of the following uses:

- (a) Permitted Uses:

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: First line: 0"

-
- (1) [Adult Day care](#)~~Grocery stores.~~
 - (2) [Child care center](#)~~Bake shops.~~
 - (3) [Church and associated facilities](#)~~Drug stores.~~
 - (4) [Commercial accessory apartment](#)~~Pick-up laundry and dry cleaning stations.~~
 - (5) [Community center](#)~~Coin-operated laundries.~~
 - (6) [Construction office temporary](#)~~Barbershops and beauty shops.~~
 - (7) [Crisis center](#)~~Gift shops.~~
 - (8) [Cultural service](#)~~Clothing shops.~~
 - (9) [Custom manufacturing](#)~~Appliance stores.~~
 - (10) [Custom manufacturing](#)~~Off-street parking as required by this chapter.~~
 - (11) [Educational facility, primary/secondary](#)~~Public utilities; poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.~~
 - (12) [Educational facility, college/university](#)~~Business signs.~~
 - (13) [Farmer's market](#)~~Church bulletin boards and identification signs.~~
 - (14) [Flea market](#)~~Directional signs.~~
 - (15) [General store, country](#)~~Home occupation signs.~~
 - (16) [Governmental service](#)~~Professional offices.~~
 - (17) [Greenhouse, commercial](#)~~Financial institutions.~~
 - (18) [Office/institution](#)~~Governmental offices.~~
 - (19) [Public maintenance and service facility](#)~~Veterinary hospital and medical clinics with a conditional use permit.~~
 - (20) [Public safety service](#)~~Restaurant.~~
 - (21) [Public utility, neighborhood](#)~~Day care center, with a conditional use permit.~~
 - (22) [Restaurant](#)~~Caretakers living quarters (single family dwelling apartment), with a conditional use permit, provided living quarters are not manufactured homes and provided living quarters are either located on the same premises as the respective business or located within the commercial building.~~
 - (23) [Retail sales](#)~~Planned unit developments (PUD) with a conditional use permit and in accordance with article IV of this chapter.~~
 - (24) [Retail service.](#)

(b) Conditional uses:

- (1) [Adult day treatment facility.](#)
- (2) [Agricultural farm equipment sales/services.](#)
- (3) [Agricultural supply sales/service.](#)
- (4) [Aquaculture.](#)

-
- [\(5\) Assisted living facility.](#)
 - [\(6\) Bed and breakfast.](#)
 - [\(7\) Brewery, distillery, cidery](#)
 - [\(8\) Carwash.](#)
 - [\(9\) Cemetery.](#)
 - [\(10\) Club.](#)
 - [\(11\) Commercial indoor amusement.](#)
 - [\(12\) Commercial indoor entertainment.](#)
 - [\(13\) Commercial outdoor entertainment/sports and recreation.](#)
 - [\(14\) Commercial outdoor swimming pool and tennis facility.](#)
 - [\(15\) Communication tower.](#)
 - [\(16\) Construction sales and service.](#)
 - [\(17\) Construction yard.](#)
 - [\(18\) Contractor office and storage facility.](#)
 - [\(19\) Equipment sales and service.](#)
 - [\(20\) Event center.](#)
 - [\(21\) Funeral home.](#)
 - [\(22\) Golf course.](#)
 - [\(23\) Halfway house.](#)
 - [\(24\) Life care facility.](#)
 - [\(25\) Motor vehicle dealership.](#)
 - [\(26\) Motor vehicle, parts/supply retail.](#)
 - [\(27\) Motor vehicle repair service, major.](#)
 - [\(28\) Motor vehicle repair service, minor.](#)
 - [\(29\) Nursing home.](#)
 - [\(30\) Rehabilitation service.](#)
 - [\(31\) Tattoo parlor.](#)
 - [\(32\) Taxidermy.](#)
 - [\(33\) Veterinary hospital/clinic.](#)

(Code 1991, § 16-132; Ord. of 11-18-1988; Ord. No. 2000-02)

Sec. 34-441. Area regulations.

In B-1 districts, the area regulations shall be as follows: None, except that, for permitted uses utilizing individual water supply of sewage disposal systems, the required area for any such use shall be approved by the health official. The zoning administrator may require a greater area if considered necessary by the health official.

(Code 1991, § 16-133; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-442. Setback regulations.

Structures in B-1 districts shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the centerline of any street right-of-way less than 50 feet in width, except that signs advertising the sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

(Code 1991, § 16-134; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Sec. 34-443. ~~Yard regulations~~Side yards; off-street parking and loading.

(a) For permitted uses in B-1 districts, the minimum side yard, adjoining or adjacent to a residential or agricultural district, shall be at least ten feet.

(b) ~~Off-street parking and loading shall be in accordance with section 34-195 and any other applicable provisions of this chapter.~~

(Code 1991, § 16-135; Ord. of 11-18-1988; Ord. No. 2003-02, 7-17-2003; Ord. of 11-15-2007(2))

Sec. 34-444. Height regulations.

- (a) The height limit for ~~all structures~~dwelling may be increased up to 45 feet and up to three stories; provided, that there are two side yards for each permitted use, each of which is ten feet or more, plus one foot more of side yard for each additional foot of building height over 35 feet.
- (b) A public or semipublic building, such as a school, church, library or general hospital, may be erected to a height of 60 feet from grade; provided, that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (c) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (d) No accessory building which is within ten feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

(Code 1991, § 16-136; Ord. of 11-18-1988; Ord. No. 2003-01, 7-17-2003; Ord. of 11-15-2007(2))

Sec. 34-445. Site plan required.

A site plan is required for any structures to be erected or land to be used in a B-1 district. The procedures and requirements for approval of a site plan are provided in article III, division 11 of this chapter.

(Code 1991, § 16-137; Ord. of 11-18-1988, § 6-6)

Sec. 34-446. Off-street parking.

Off-street parking in a B-1 district shall be as required by section 34-195.

(Code 1991, § 16-138; Ord. of 11-18-1988, § 6-7)

Created: 2023-12-19 11:51:29 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Secs. 34-447—34-475. Reserved.

DIVISION 89. GENERAL BUSINESS DISTRICT, B-2

Sec. 34-476. Statement of intent.

This division applies to the B-2 General Business District. Generally, the district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, taverns and garages and service stations.

(Code 1991, § 16-139; Ord. of 11-18-1988)

Sec. 34-477. Use regulations.

In the general business B-2 districts, structures to be erected or land to be used shall for one or more of the following uses:

(a) Permitted uses.

- (1) Adult day care center~~Retail stores and shops.~~
- (2) Adult day treatment facility~~Bakeries.~~
- (3) Agricultural farm equipment sales/service~~Restaurants.~~
- (4) Agricultural supply sales/service~~Laundries.~~
- (5) Aquaculture~~Wearing apparel stores.~~
- (6) Assisted living facility~~Drug stores.~~
- (7) Bed and breakfast~~Barbershops and beauty shops.~~
- (8) Blacksmith~~Auto and home appliance services.~~
- (9) Brewery, distillery, cidery~~Theaters and assembly halls.~~
- (10) Carwash~~Hotels and motels.~~
- (11) Cemetery~~Office buildings.~~
- (12) Child care center~~Churches.~~
- (13) Church and associated facilities~~Libraries.~~
- (14) Clinic~~Hospital, general.~~
- (15) Club~~Funeral homes.~~
- (16) Commercial accessory apartment~~Community/recreation centers.~~
- (17) Commercial indoor entertainment~~Clubs and lodges.~~
- (18) Commercial outdoor entertainment/sports and recreation~~Auto sales and service, to include the sales and service of boats, boat trailers, and recreational vehicles.~~

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

- (19) [Commercial outdoor swimming pool and tennis facility](#)~~Lumber and building supply (with storage under cover).~~
- (20) [Community center](#)~~Plumbing and electrical supply (with storage under cover).~~
- (21) [Construction office temporary](#)~~Wholesale and processing not objectionable because of dust, noise or odors with a conditional use permit.~~
- (22) [Construction sales and service](#)~~Dry cleaners.~~
- (23) [Construction yard](#)~~Machinery sales and service.~~
- (24) [Construction office and storage facility](#)~~Public utilities.~~
- (25) [Crisis center](#)~~Off street parking as required by this chapter.~~
- (26) [Cultural service](#)~~Waterfront business activities; wholesale and retail marine interest, such as boat docks, piers, small boat docks, yacht club and servicing facilities for the same; docks and areas for the receipt, storage and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.~~
- (27) [Custom manufacturing](#)~~Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement with a conditional use permit.~~
- (28) [Educational facility, primary/secondary](#)~~Business signs.~~
- (29) [Educational facility, college/university](#)~~General advertising signs.~~
- (30) [Equipment sales and service](#)~~Locations signs.~~
- (31) [Event center](#)~~Cabinet, furniture and upholstery shops not exceeding a combined area of 5,000 square feet for workshop and storage space with a conditional use permit.~~
- (32) [Farmer's market](#)~~Medical clinics.~~
- (33) [Flea market](#)~~Governmental offices.~~
- (34) [Funeral home](#)~~Veterinary hospital with a conditional use permit.~~
- (35) [General store, country](#)~~Communication tower with station with a conditional use permit.~~
- (36) [Golf course](#)~~Wholesale businesses, storage warehouses and mini storage units with a conditional use permit.~~
- (37) [Governmental service](#)~~Classic and collectible car sales and restoration facility, with inoperable vehicles screened from view and restoration activities under cover, in accordance with the following definition: "A business actively involved in restoration and sales of classic and collectible specialty vehicles. Facilities must be screened for restoration work and storage of disabled vehicles. This business could also be involved in the sale of new/N.O.S., and used parts, but would not allow the general public access to vehicles for the purpose of removing parts."~~
- (38) [Greenhouse, commercial](#)~~Nursery and landscaping.~~
- (39) [Hospital](#)~~Financial institutions.~~
- (40) [Hotel](#)~~Computer software development firms to exclude the manufacturing of such software, screened from view and 200 feet from the state road right of way.~~
- (41) [Industry, Type 1](#)~~Show horse facility and riding academy with a conditional use permit.~~
- (42) [Industry, Type 2](#)~~Day-care center.~~

Created: 2023-12-19 11:51:29 [EST]

-
- (43) [Kennel, commercial](#)~~Automobile self-service station.~~
 - (44) [Lawn and garden service](#)~~Automobile service station.~~
 - (45) [Live/work unit](#)~~Garage, public.~~
 - (46) [Manufactured home sales](#)~~Tractor-trailer service station, truck stop, trucking companies.~~
 - (47) [Marina](#)~~Laydown yard with a conditional use permit.~~
 - (48) [Medical facility](#)~~Kennel.~~
 - (49) [Mini-storage facility](#)~~Family day care, large.~~
 - (50) [Motor vehicle, dealership](#)~~Caretaker's living quarters (single-family dwelling apartment), with a conditional use permit, provided living quarters are not manufactured homes and provided living quarters are either located on the same premises as the respective business or located within the commercial building.~~
 - (51) [Motor vehicle, parts/supply retail](#)~~Carwash.~~
 - (52) [Motor vehicle, rental](#)~~Modular/manufactured home sales center.~~
 - (53) [Motor vehicle repair service, major](#)~~Planned-unit developments (PUD) with a conditional use permit and in accordance with article IV of this chapter.~~
 - (54) [Motor vehicle repair service, minor.](#)
 - (55) [Nursing home.](#)
 - (56) [Office/institution.](#)
 - (57) [Park and ride facility.](#)
 - (58) [Planning mill facility.](#)
 - (59) [Public maintenance and service facility.](#)
 - (60) [Public safety service.](#)
 - (61) [Public utility, community.](#)
 - (62) [Public utility, neighborhood.](#)
 - (63) [Rehabilitation service.](#)
 - (64) [Restaurant.](#)
 - (65) [Retail sales.](#)
 - (66) [Retail service.](#)
 - (67) [Silviculture.](#)
 - (68) [Tattoo parlor.](#)
 - (69) [Taxidermy.](#)
 - (70) [Truck stop.](#)
 - (71) [Truck terminal.](#)
 - (72) [Veterinary hospital/clinic.](#)
 - (73) [Wholesale trade.](#)

(b) Conditional uses:

- (1) Auction establishment.
- (2) Bus terminal.
- (3) Commercial indoor amusement.
- (4) Communication tower.
- (5) Halfway house.
- (6) Industry, Type 3.
- (7) Life care facility.
- (8) Retreat center.
- (9) Stable, commercial.
- (10) Warehousing and distribution.

(Code 1991, § 16-140; Ord. of 11-18-1988)

Sec. 34-478. Area regulations.

In B-2 districts, the following area regulations shall apply: None, except that, for permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The zoning administrator may require a greater area if considered necessary by the health official.

(Code 1991, § 16-141; Ord. of 11-18-1988)

Sec. 34-479. Setback regulations.

Buildings in B-2 districts shall be located ten feet or more from any street right-of-way which is 50 feet or greater in width, or 35 feet or more from the centerline of any street right-of-way less than 50 feet in width, except that signs advertising the sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

(Code 1991, § 16-142; Ord. of 11-18-1988)

Sec. 34-480. Yard regulations~~Side yards; off street parking and loading.~~

~~(a)~~ For permitted uses in B-2 districts, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be at least ten feet.

~~(b) Off street parking and loading shall be in accordance with section 34-195 and any other applicable provisions of this chapter.~~

(Code 1991, § 16-143; Ord. of 11-18-1988)

Created: 2023-12-19 11:51:29 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Sec. 34-481. Height regulations.

~~Buildings may be erected up to 35 feet in height from grade in B-2 districts, except that:~~

- (1) The height limit for ~~all structures~~~~edwellings~~ may be increased up to 45 feet and up to three stories; provided, that there are two side yards for each permitted use, each of which is ten feet or more, plus five feet or more of side yard for each additional foot of building height over 35 feet.
- (2) A public or semipublic building, such as a school, church, library or general hospital, may be erected to a height of 60 feet from grade; provided, that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerals are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (4) No accessory structure which is within ten feet of any party lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

(Code 1991, § 16-144; Ord. of 11-18-1988)

Sec. 34-482. Site plan required.

A site plan is required for any structures to be erected or land to be used in a B-2 district. The procedures and requirements for approval of a site plan are provided, as set forth in article III, division 11 of this chapter.

(Code 1991, § 16-145; Ord. of 11-18-1988)

Sec. 34-483. Off-street parking.

Off-street parking in a B-2 district shall be as required by section 34-195 and any other applicable provision of this chapter.

(Code 1991, § 16-146; Ord. of 11-18-1988)

Secs. 34-484—34-504. Reserved.

~~DIVISION 10. SHOPPING CENTER DISTRICT, B-3~~

~~Sec. 34-505. Statement of intent.~~

~~This division applies to the B-3 Shopping Center District. The B-3 district is designed to permit the development of attractive and efficient retail shopping facilities of integrated design in appropriate locations to serve residential neighborhoods. Recognizing that it is not possible or desirable to attempt to precisely outline shopping center districts on vacant land prior to population growth and related residential development or construction of major thoroughfares, which together are prerequisites of well-planned properly located modern shopping center developments, the following procedures and requirements are established for the development of a B-3 district.~~

~~(Code 1991, § 16-147; Ord. of 11-18-1988)~~

Created: 2023-12-19 11:51:29 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

~~Sec. 34-506. Use regulations.~~

~~In shopping center district B-3, the uses permitted shall include the following:~~

- ~~(1) —Retail commercial and service establishments serving the needs of the market area, including those uses ordinarily accepted as shopping center uses.~~
- ~~(2) —A veterinary hospital with a conditional use permit.~~
- ~~(3) —Storage warehouses with a conditional use permit.~~

~~(Code 1991, § 16-148; Ord. of 11-18-1988)~~

~~Sec. 34-507. Ownership.~~

~~In order that the purposes of the B-3 district shall be realized, the land and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority. Any transfer of land within the district resulting in ownership within the district by one or more parties after an application has been filed shall not alter the applicability of the regulations contained herein.~~

~~(Code 1991, § 16-149; Ord. of 11-18-1988)~~

~~Sec. 34-508. Dimensional requirements.~~

~~In the B-3 district:~~

- ~~(1) —The minimum site area shall be three acres.~~
- ~~(2) —The minimum distance from any street right-of-way to any building shall be 35 feet.~~
- ~~(3) —The minimum distance from other property lines to any building shall be 25 feet for any building under 35 feet in height.~~
- ~~(4) —For buildings over 35 feet in height, the minimum distance from other property lines to any such buildings shall be 25 feet, plus one foot for each additional foot of building height over 35 feet.~~

~~(Code 1991, § 16-150; Ord. of 11-18-1988)~~

~~Sec. 34-509. Utility requirements.~~

~~All buildings developed in the B-3 district shall be served wherever practicable by underground utilities.~~

~~(Code 1991, § 16-151; Ord. of 11-18-1988)~~

~~Sec. 34-510. Sign limitations.~~

~~One sign not exceeding 80 square feet in area and 35 feet in height and announcing only the name and the location of the shopping center shall be permitted. All individual business signs within the shopping center shall be attached to, or made integral with, the principal building. Notwithstanding the foregoing, the board of supervisors may, in the ordinance rezoning the property, permit one additional sign to serve either or both of the foregoing purposes, which sign need not be attached to a building, but which shall conform to the size and height limitations set forth above. The zoning administrator must approve the size of each individual business sign within the shopping center.~~

(Code 1991, § 16-152; Ord. of 11-18-1988)

~~Sec. 34-511. Off-street parking and loading.~~

- ~~(a) Off-street parking spaces shall be provided in the ratio of at least one parking space for each 200 square feet of floor area in the shopping center.~~
- ~~(b) Off-street loading spaces shall be in accordance with article IV of this chapter and any other applicable provisions of this chapter.~~

(Code 1991, § 16-153; Ord. of 11-18-1988)

~~Sec. 34-512. Screening and landscaping.~~

- ~~(a) Landscaping or other devices shall be used to screen surrounding residential districts from open service, storage and loading operations with the shopping center.~~
- ~~(b) Any part of the shopping center area not used for buildings or other structures, parking, loading, pedestrian walks or access ways shall be landscaped with grass, trees or shrubs.~~

(Code 1991, § 16-154; Ord. of 11-18-1988)

~~Sec. 34-513. Procedure for establishing a shopping center district.~~

- ~~(a) Before submitting an application for a shopping center district, an applicant, at his option, may confer with the planning commission to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.~~
- ~~(b) Applications for a shopping center district shall be submitted as for other amendments under section 34-36. Materials submitted with the application or on subsequent request by the planning commission shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. More specifically, all of the following shall be required.~~
- ~~(c) The development plan shall be clearly drawn to a scale and shall show the following:~~
 - ~~(1) The proposed location and size of structures, indicating tenant types (uses) and total square feet in buildings.~~
 - ~~(2) The proposed size, location and use of other portions of the tract, including landscaped, parking, loading, service, maintenance and other areas or spaces.~~
 - ~~(3) The proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.~~
 - ~~(4) The proposed traffic circulation pattern, including access drives, parking arrangement, pedestrian walks, and safety areas, and the relationship to existing and proposed external streets and traffic patterns with evidence of reasonableness.~~
 - ~~(5) Potential population and area to be served by the proposed shopping center.~~
 - ~~(6) Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan. Evidence of control includes property rights and the engineering feasibility data which may be necessary and the economic feasibility studies (market analysis or other data justifying the proposed development).~~

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

- (d) ~~The planning commission or the board of supervisors may establish additional requirements, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.~~
- (e) ~~Final plans and reports approved shall be binding on the applicant and any successors in interest so long as B-3 zoning applies.~~
- (f) ~~The shopping center may be built in stages in accordance with a construction timing schedule approved by the board of supervisors. If there is not substantial compliance with the approved schedule, the board of supervisors may, after expiration of a period of three years from the date of final approval, void the approval.~~
- (g) ~~Upon termination of an approval, the planning commission shall review the circumstances and recommend to the board of supervisors that:~~
- ~~(1) B-3 zoning for the entire area be continued with revised time limits;~~
 - ~~(2) B-3 zoning be continued for part of the area with revised time limits, and the remainder rezoned to an appropriate category;~~
 - ~~(3) The entire area be rezoned from B-3 to an appropriate category.~~

~~Such recommendation shall include proposals for appropriate action in respect to any legal instruments involved in the case.~~

- (h) ~~An extension of the time limit or modification of the approved development plan may be approved if the board of supervisors finds that such extension or modification is not in conflict with the public interest.~~
- (i) ~~If required by the board of supervisors, a surety bond shall be filed for, or deposited in escrow with, the county, in a sum sufficient to ensure completion of special requirements as may be imposed by the board of supervisors.~~

~~(Code 1991, § 16-155; Ord. of 11-18-1988)~~

~~Secs. 34-514—34-534. Reserved.~~

DIVISION 911. LIMITED INDUSTRIAL DISTRICT, I-1

Sec. 34-~~505~~535. Statement of intent.

This division applies to the I-1 Limited Industrial District. The primary purpose of the limited industrial I-1 district is to permit certain industries, which do not in any way detract from residential desirability, to locate in any area adjacent to residential uses. The limitations on (or provisions relating to) height of buildings, horsepower, heating, flammable liquids or explosives, controlling emissions of fumes, odors and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

(Code 1991, § 16-156; Ord. of 11-18-1988, art. 7)

Sec. 34-~~506~~536. Use regulations.

In I-1 districts, any structure to be erected or land to be used shall be for one or more of the following uses:

- (a) ~~A.~~ Permitted uses:

Formatted: Indent: First line: 0"

- (1) Agricultural farm equipment sales/serviceAssembly of electrical appliances, electronic instruments and devices, radios and stereos. Also the manufacture of small parts, such as coils, condensers, transformers and crystal holders.
- (2) Agricultural supply sales/serviceAutomobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture.
- (3) AquacultureBlacksmith shop, welding or machine shop.
- (4) Brewery, distillery, cideryLaboratories, pharmaceutical and/or medical.
- (5) Commercial outdoor entertainment/sports and recreationManufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.
- (6) Community centerManufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials; bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, metal, paper, plastic, precious or semiprecious metals, or stones, shell, straw, textiles, tobacco, wood, yard and paint.
- (7) Construction office temporaryManufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay.
- (8) Construction sales and serviceWholesale business, storage warehouses.
- (9) Construction yardManufacture of musical instruments, toys, novelties and rubber and metal stamps.
- (10) Contractor office storage and facilityBuilding material sales yards, plumbing supplies storage.
- (11) Custom manufacturingCoal and wood yards, lumber yards, feed and seed stores.
- (12) Educational facility, college/universityContractors' equipment storage yards or plants, or rental, or equipment commonly used by contractors.
- (13) Equipment sales and serviceCabinets, furniture and upholstery shops.
- (14) Event centerBoard building.
- (15) Governmental serviceMonumental stone works.
- (16) Greenhouse, commercialVeterinary or dog or cat hospitals, kennels.
- (17) HospitalManufacture, production or processing of aluminum, with a conditional use permit.
- (18) HotelSand and gravel operations, with a conditional use permit.
- (19) Industry, type 1Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewage installations, with a conditional use permit. Public telecommunication facilities approved by the state public telecommunication board with the exception of television, radio towers and other structures not necessary to house electronic apparatus.
- (20) Industry, type 2With a conditional use permit, uses allowed in B-2 districts.
- (21) Lawn and garden serviceAdult entertainment establishments, including adult bookstores, adult mini-motion picture theater, adult motion picture theater, cabaret, massage parlors, drug paraphernalia stores, tattoo parlors, with a conditional use permit.

Created: 2023-12-19 11:51:30 [EST]

-
- [\(22\) Manufactured home sales.](#)
 - [\(23\) Marina.](#)
 - [\(24\) Medical facility.](#)
 - [\(24\) Mini-storage facility.](#)
 - [\(25\) Motor vehicle, parts/supply retail.](#)
 - [\(26\) Motor vehicle, rental.](#)
 - [\(27\) Motor vehicle repair service, major.](#)
 - [\(28\) Motor vehicle repair service, minor.](#)
 - [\(29\) Office/institution.](#)
 - [\(30\) Park and ride facility.](#)
 - [\(31\) Planning mill facility.](#)
 - [\(32\) Public maintenance and service facility.](#)
 - [\(33\) Public safety service.](#)
 - [\(34\) Public utility, community.](#)
 - [\(35\) Public utility, neighborhood.](#)
 - [\(36\) Railroad yard.](#)
 - [\(37\) Recycling facility.](#)
 - [\(38\) Reservoir.](#)
 - [\(39\) Sawmill.](#)
 - [\(40\) Shipping container.](#)
 - [\(41\) Silviculture.](#)
 - [\(42\) Transfer station.](#)
 - [\(43\) Wholesale trade.](#)
 - [\(44\) All uses permitted in the B-2 district.](#)

(b) ~~B.~~ Conditional uses:

- [\(1\) Asphalt plant facility.](#)
- [\(2\) Auction establishment.](#)
- [\(3\) Communication tower.](#)
- [\(4\) Industry, type 3.](#)
- [\(5\) Mud bog.](#)
- [\(6\) Resource extraction.](#)
- [\(7\) Retreat center.](#)

[\(8\) Sexually-oriented business.](#)

[\(9\) Towing service storage yard.](#)

[\(10\) Truck stop.](#)

[\(11\) Truck terminal.](#)

[\(12\) Warehousing and distribution.](#)

(Code 1991, § 16-157; Ord. of 11-18-1988, § 7-1; Ord. of 7-19-1990(2); Ord. of 2-21-1991; Res. of 1-21-1993)

Sec. 34-~~507537~~. Requirements for permitted uses.

- (a) Before a building permit shall be issued or construction commenced on any permitted use in the I-1 district, or a permit issued for a new use, all requirements of article III, division 11 of this chapter shall be met.
- (b) Landscaping may be required within any established or required front setback area. The plans and implementation of those plans must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet, and to within 50 feet from the corner of any intersecting streets.
- (c) Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts, and for off-street parking of vehicles incidental to the industry, its employees and customers.
- (d) Automobile graveyards and junk yards in existence at the time of the adoption of the ordinance from which this chapter is derived are to be considered as nonconforming uses. They shall be allowed up to three years after adoption of the ordinance from which this chapter is derived in which to completely screen, on any side open to view from a public road, the operation or use by a masonry wall, a uniformly painted solid board fence or an evergreen hedge six feet in height, or similar screening as approved by the zoning administrator.

(Code 1991, § 16-158; Ord. of 11-18-1988, § 7-2)

Sec. 34-~~508538~~. Height regulations.

- (a) Buildings in an I-1 district may be erected to a height of 60 feet. When fire suppression equipment is in place and the area above the height restriction of 60 feet is not occupied by workmen, buildings may be erected to a height of ~~75~~ 70 feet. For buildings above 75 feet, approval shall be obtained from the zoning administrator.
- (b) No height limit is imposed for chimneys, cooling or water towers, elevators, fire towers, stacks, tanks, necessary mechanical apparatus or other structures not intended for human occupancy.

(Code 1991, § 16-159; Ord. of 11-18-1988; Ord. No. 2001-03)

Sec. 34-~~509539~~. Area regulations.

No area regulations apply to the I-1 district, except for permitted uses utilizing individual sewage disposal systems. The required areas for any such use shall be approved by the health official.

(Code 1991, § 16-160; Ord. of 11-18-1988, § 7-4)

Sec. 34-~~510540~~. Lot coverage.

Buildings or groups of buildings, with their accessory buildings, may cover up to 70 percent of the area of the lot in an I-1 district.

(Code 1991, § 16-161; Ord. of 11-18-1988, § 7-5)

Sec. 34-~~511541~~. Setback regulations.

Buildings in an I-1 district shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width, or 75 feet or more from the centerline of any street right-of-way less than 50 feet in width.

(Code 1991, § 16-162; Ord. of 11-18-1988, § 7-6)

Sec. 34-~~512542~~. Yard regulations.

- (a) For any ~~sexually-oriented business~~~~adult entertainment establishments~~, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be 5,280 feet.
- (b) For all other permitted uses in an I-1 district, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be 100 feet. The side yard or corner lots shall be 50 feet or more.

(Code 1991, § 16-163; Ord. of 11-18-1988, § 7-7; Res. of 1-21-1993)

Sec. 34-~~513543~~. Off-street parking.

Off-street parking in an I-1 district shall be as required by section 34-195.

(Code 1991, § 16-164; Ord. of 11-18-1988; Ord. of 11-15-2007(2))

Secs. 34-~~514544~~—34-~~524564~~. Reserved.

DIVISION ~~102~~. GENERAL INDUSTRIAL DISTRICT, I-2

Sec. 34-~~525565~~. Statement of intent.

This division applies to the I-2 General Industrial District. The primary purpose of the I-2 district is to establish an area where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance and which are not properly associated with, nor particularly compatible with, residential, institutional and neighborhood commercial service establishments. These operations are therefore buffered by sufficient area to minimize any adverse effects. The specific intent of this district is to:

- (1) Encourage the development of and the continued use of land for heavy commercial and industrial purposes;
- (2) Prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; and

- (3) Encourage the discontinuation of existing uses that would not be permitted as new uses under the provisions of this chapter.

(Code 1991, § 16-165; Ord. of 11-18-1988; Ord. No. 2001-02)

Sec. 34-526566. Use regulations.

In the general industrial district I-2 districts, any structure to be erected or land to be used shall be for one or more of the following uses:

(a) Permitted uses:

- (1) All uses permitted in the I-1 district.
- (2) Agricultural supply sales/serviceTruck terminals and airports, with a conditional use permit.
- (3) Asphalt plant facilitySand and gravel operations, with a conditional use permit.
- (4) Brewery, distillery, cideryCrushed stone operations, with a conditional use permit.
- (5) Construction office temporaryWood preserving operations.
- (6) Construction sales and serviceAbattoirs (slaughterhouses), with a conditional use permit.
- (7) Construction yardAcid manufacture.
- (8) Construction office and storage facilityCement, lime and gypsum manufacture.
- (9) Equipment sales and serviceFertilizer manufacture.
- (10) Governmental servicePetroleum refining, including byproducts, with a conditional use permit.
- (11) Greenhouse, commercialPetroleum storage, with a conditional use permit.
- (12) Industry, type 1Asphalt mixing plant.
- (13) Industry, type 2Pipe and pump manufacture.
- (14) Office/institutionBrick manufacture.
- (15) Park and ride facilityBoiler shops.
- (16) Planning mill facilityMeat, poultry and fish processing and packing operations.
- (17) Public maintenance and service facilityEgg production and processing plant, with a conditional use permit.
- (18) Public safety serviceSalvage and junk storage yard (screened), with a conditional use permit.
- (19) Public utility, communityPermanent sawmills-mills.
- (20) Public utility, neighborhoodElectric generation plants and their associated accessory uses (which are incidental and subordinate to the production of electrical power), with a conditional use permit and in accordance with the following provisions: Associated accessory uses may include, but are not limited to, solid waste disposal facilities for byproducts such as coal ash (byproducts allowed for disposal shall be limited to only those produced by the facility for which the conditional use permit use is granted), railroads and rail spur tracks, underground pipelines or conduits for electrical, gas, sewer and water service, substations, transmission lines, poles, wires, transformers and meters.
- (21) Railroad yardGas production plants, natural or manufactured gas storage and distribution points and other gas utilities, with a conditional use permit.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.75"

- (22) Recycling facility Local industrial solid waste disposal facility, limited to use by a single business or industry located within the county, with a conditional use permit.
- (23) Reservoir Business sign.
- (24) Sawmill Manufactured or mobile home manufacturing.
- (25) Shipping containing Malt liquors manufacturing or packaging plant.
- (26) Silviculture Iron and steel foundries.
- (27) Transfer station General advertising signs.
- (28) Truck stop Location signs.
- (29) Warehousing and distribution Communication towers and associated facilities in accordance with the provision of article IV of this chapter, with a conditional use permit.
- ~~(30) Off street parking as required by this article.~~

(Code 1991, § 16-166; Ord. of 11-18-1988; Ord. No. 2001-02)

(b) ~~B.~~ Conditional uses:

- (1) Abattoir
- (2) Agricultural processing facility.
- (3) Airport.
- (4) Aquaculture.
- (5) Auction establishment.
- (6) Communication tower.
- (7) Industry, type 3.
- (8) Landfill, sanitary.
- (9) Salvage yard.
- (10) Tire storage facility.
- (11) Towing service storage yard.
- (12) Truck terminal.

Sec. 34-~~527~~567. Requirements for permitted uses.

- (a) Before a building permit shall be issued or construction commenced on any permitted use in the I-2 district, or a permit issued for a new use, all requirements of article II, division 3 of this chapter shall be met.
- (b) Before a building permit shall be issued or construction commenced on any permitted use in the I-2 district, or a permit issued for a new use, an operation plan, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for review. The zoning administrator's review of such plan shall be for compliance with the requirements of this division and the terms and conditions of any

Formatted: Font: Not Bold

Formatted: Block 1, Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:
Left + Aligned at: 0.25" + Indent at: 0.75"

conditional use permit. The plan of operation shall state all noise levels (in decibels) at the property boundaries, wastewater volumes and quantities of daily emissions to the air to be generated by the proposed industrial use. The plan shall also detail how these environmental impacts will be minimized and outline what specific procedures will be utilized or equipment installed to offset the potential negative effects of the industrial operation of the surrounding community.

- (c) Before a building permit shall be issued or construction commenced on any permitted use in the I-2 district, all necessary federal and/or state permits, required for the commencement of construction, shall be obtained by the industry from the appropriate regulatory agencies and copies submitted to the zoning administrator.
- (d) Landscaping may be required within any established or required front setback area. The plans and implementation of those plans must take into consideration traffic hazards. Landscaping may be permitted for a height of three feet, and to within 50 feet from the corner of any intersecting streets.
- (e) Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts, and for off-street parking of vehicles incidental the industry, its employees and customers.
- (f) Automobile graveyards and junkyards in existence at the time of the adoption of the ordinance from which this chapter is derived are to be considered nonconforming uses. They shall be allowed up to three years after adoption of the ordinance from which this chapter is derived in which to completely screen, on any side open to view from a public road, the operation or use by a masonry wall, a uniformly painted solid board fence or an evergreen hedge six feet in height, or similar screening as approved by the zoning administrator.

(Code 1991, § 16-167; Ord. of 11-18-1988; Ord. No. 2001-02)

Sec. 34-~~528568~~. Height regulations.

- (a) Buildings in an I-2 district may be erected up to a height of 75 feet. When fire suppression equipment is in place and are above the restricted height of 75 feet is not occupied by workmen, buildings may be erected up to a height of 100 feet. For buildings over 100 feet, approval shall be obtained from the zoning administrator.
- (b) No height limitation is imposed for chimneys, cooling or water towers, elevators, fire towers, stacks, tanks, necessary mechanical apparatus or other structures not intended for human occupancy.

(Code 1991, § 16-168; Ord. of 11-18-1988; Ord. No. 2001-02)

Sec. 34-~~529569~~. Area regulations.

- (a) For ~~a sanitary landfill~~~~local industrial solid waste disposal facilities~~, the minimum area requirements shall be 200 acres.
- (b) For all other permitted uses in the I-2 districts, the minimum area for permitted uses in the I-2 districts shall be 50 acres. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official.

(Code 1991, § 16-169; Ord. of 11-18-1988; Ord. No. 2001-02)

Sec. 34-~~530570~~. Lot coverage.

Buildings or groups of buildings, with their accessory buildings, may cover up to 70 percent of the area of the lot in an I-2 district.

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(Code 1991, § 16-170; Ord. of 11-18-1988; Ord. No. 2001-02)

Sec. 34-~~531~~~~571~~. Setback regulations.

Buildings in an I-2 district shall be located 100 feet or more from any street right-of-way which is 50 feet or greater in width, or 150 feet or more from the centerline of any street right-of-way less than 50 feet in width.

(Code 1991, § 16-171; Ord. of 11-18-1988; Ord. No. 2001-02)

Sec. 34-~~532~~~~572~~. Yard regulations.

~~(a) Any adult entertainment establishment shall be located at least one mile or 5,280 feet, from any residence, school, business, public facility or church.~~

~~(b)~~ Any local industrial solid waste disposal facility shall be located at least one-half mile or 2,640 feet, from any residence, school, business or church and at least 500 feet from any property line.

~~(c)~~ For all other permitted uses in the I-2 district, the minimum side and rear yards adjoining or adjacent to a residential, commercial or agricultural district shall be 200 feet. The side yard for corner lots shall be 250 feet or more.

(Code 1991, § 16-172; Ord. of 11-18-1988; Ord. No. 2001-02)

Sec. 34-~~533~~~~573~~. Off-street parking.

Off-street parking in an I-2 district shall be as required by section 34-195.

(Code 1991, § 16-173; Ord. of 11-18-1988; Ord. No. 2001-02)

Secs. 34-~~534~~~~574~~—34-~~544~~~~594~~. Reserved.

DIVISION 11. PLANNED UNIT DEVELOPMENT DISTRICT, PUD

Sec. 34-545. Objectives for planned unit developments.

It shall be the policy of the county to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

(a) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.

(b) A well-integrated mix of various residential dwelling types, commercial and recreational uses to achieve a walkable, connected community. 3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.5. A development pattern in harmony with land use density, transportation facilities and community facilities objectives of the comprehensive plan.

(Ord. of 4-18-91(2) § 1)

Formatted: Indent: Left: 0", Hanging: 0.5"

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

Sec. 34-546. Provisions governing planned unit developments.

- (a) Planned development districts are designed to encourage innovative and creative design of mix-used development with an improved level of amenities, appropriate and harmonious to the development; facilitate use of the most advantageous construction techniques; and maximize the conservation and efficient use of open space and natural features. These districts are designed to further the purposes and provisions of the comprehensive plan and to conserve public fiscal resources, efficiently utilize public facilities and resources, provide a broad range of housing and economic opportunities to present and future residents of the county.
- (b) Exceptions to the design criteria as outlined above under subsection A. may be granted by board of supervisors following a recommendation from the planning commission provided that:
- (1) 1. —Such exception shall be solely for the purpose of promoting an integrated plan no less beneficial to the residents or occupants of the development, as well as neighboring property, than would be obtained under the applicable regulation.
- (2) 2. —The uniqueness of the proposal requires that geometric design of streets, sidewalks and street lights be modified in the interest of the inhabitants and are not inconsistent with the interests of the county as a whole.
- (c) Rezoning to a planned development district will be permitted only in accordance with a master development plan approved by the Board of Supervisors following a recommendation from the Planning Commission in accordance with the procedures and standards contained within this ordinance.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Sec. 34-547. Uses regulations.

The following uses and structures are allowed in the PUD district:

- (a) ~~A. Permitted Uses:~~
- (1) Assisted living facility.
- (2) Bed and breakfast.
- (3) Brewery, distillery, cidery.
- (4) Carwash.
- (5) Child day center.
- (6) Church and associated facilities.
- (7) Clinic.
- (8) Club.
- (9) Commercial accessory apartment.
- (10) Commercial indoor amusement.
- (11) Commercial indoor entertainment.
- (12) Commercial outdoor swimming pool and tennis facility.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Bold

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

- [\(13\) Community center.](#)
- [\(14\) Community recreation.](#)
- [\(15\) Conservation area/nature preserve.](#)
- [\(16\) Construction office temporary.](#)
- [\(17\) Cultural service.](#)
- [\(18\) Dwelling, single-family, attached or townhouse.](#)
- [\(19\) Dwelling, single-family, detached.](#)
- [\(20\) Dwelling, two-family or duplex](#)
- [\(21\) Dwelling, multi-family.](#)
- [\(22\) Educational facility, primary/secondary.](#)
- [\(23\) Event center.](#)
- [\(24\) Family day home.](#)
- [\(25\) Garage apartment.](#)
- [\(26\) Governmental service.](#)
- [\(27\) Greenhouse, private.](#)
- [\(28\) Guest house.](#)
- [\(29\) Home occupation, type 1.](#)
- [\(30\) Hospital.](#)
- [\(31\) Hotel.](#)
- [\(32\) Industry, type 1.](#)
- [\(33\) Life care facility.](#)
- [\(34\) Live/work unit.](#)
- [\(35\) Marina.](#)
- [\(36\) Medical facility.](#)
- [\(37\) Motor vehicle, parts/supply retail.](#)
- [\(38\) Motor vehicle repair service, minor.](#)
- [\(39\) Nursing home.](#)
- [\(40\) Office/institution.](#)
- [\(41\) Park and ride facility.](#)
- [\(42\) Public maintenance and service facility.](#)
- [\(43\) Public park or playground.](#)

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

(44) Public safety service.

(45) Public utility, neighborhood.

(46) Real estate office, temporary.

(47) Restaurant.

(48) Retail sales.

(49) Retail service.

(50) Silviculture.

(51) Tattoo parlor.

(b) ~~B.~~ Conditional uses:

(1)~~1.~~ Adult day care center.

(2)~~2.~~ Adult day treatment facility.

(3)~~3.~~ Bus terminal.

(4)~~4.~~ Cemetery.

(5)~~5.~~ Commercial outdoor entertainment/sports and recreation.

(6)~~6.~~ Crisis center.

(7)~~7.~~ Custom manufacturing.

(8)~~8.~~ Educational facility, college/university.

(9)~~9.~~ Equipment sales and service.

(10)~~10.~~ Farmer's market.

(11)~~11.~~ Flea market.

(12)~~12.~~ Funeral home.

(13)~~13.~~ Golf course.

(14)~~14.~~ Greenhouse, commercial.

(15)~~15.~~ Halfway house.

(16)~~16.~~ Home occupation, type 2.

(17)~~17.~~ Industry, type 2.

(18)~~18.~~ Kennel, commercial.

(19)~~19.~~ Lawn and garden services.

(20)~~20.~~ Mini-storage facility.

(21)~~21.~~ Motor vehicle, dealership.

(22)~~22.~~ Motor vehicle, rental.

Formatted: Font: Not Bold

Formatted: Indent: First line: 0.5"

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

~~(23)23. Motor vehicle repair service, major.~~

~~(24)24. Rehabilitation service.~~

~~(25)25. Reservoir.~~

~~(26)26. Retreat center.~~

~~(27)27. Sexually-oriented business.~~

~~(28)28. Stable, commercial.~~

~~(29)29. Stable, private.~~

~~(30)30. Taxidermy.~~

~~(31)31. Truck stop.~~

~~(32)32. Veterinary hospital/clinic.~~

~~(33)33. Wholesale trade.~~

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Sec. 34-548. Minimum project area.

- (a) The gross area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

Type of PUD Minimum Area (Acres)

Residential 20

Commercial 5

Mixed-use 40

- (b) When the planned unit development proposes a mixture of uses, the Board of Supervisors following a recommendation from the Planning Commission shall decide the appropriate percentage of uses on a case-by-case basis.

Sec. 34-549. Project location.

In order to further the purpose and intent of the comprehensive plan, the following regulations shall guide the location of planned developments and shall be reviewed during the master plan zoning amendment process.

- (a) A planned development district shall be created within a planning area as designated by the comprehensive plan, except the rural planning area and may be deemed suitable in areas designated for higher density residential and commercial development.
- (b) A planned development district shall be located and developed where the road network and public utilities are capable of serving or may be expanded to serve the proposed development.
- (c) A planned unit development shall be located to provide reasonable and timely response to requests for police, fire and ambulance services unless the applicant shall dedicate right-of-way, contribute to the construction of new facilities or create new facilities to the extent of his fair share of such as percentage of his developed and so served.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

(d) The rate of development shall not exceed the rate of construction and increasing capacity of the limiting facilities.

Sec. 34-550. Submission requirements.

- (a) Applications for a planned development amendment shall be submitted as required for other zoning amendments. Materials submitted with the application or on subsequent request by the Planning Commission shall include all plans,, maps, studies and reports which may reasonably be required to make the determination called for in the particular case, with sufficient copies for necessary referrals and records. All maps taken together with all reports and other written materials shall be considered the master development plan.
- (b) All written and graphic information submitted as part of an application for a planned development shall be considered as conditions of the application and once approved development shall be considered as conditions of the application, and once approved by the Board of Supervisors, shall be binding on the property.
- (c) The following shall be submitted for a planned development application:
- (1) A community impact statement including and addressing the following:
- a. A written statement generally describing the proposed planned development, the market which it is intended to serve and its relationship to the Comprehensive Plan.
- b. Adequacy of existing public facilities and services intended to serve the proposed development. Analysis shall be made of sewer, water, drainage, schools, fire stations, roadways, and other major locally financed facilities.
- c. Additional on-site and off-site public facilities or services which would be required as a result of the development.
- d. A proposed traffic circulation concept which illustrates both arterial and internal collector streets related to the development, including proposed right-of-way. A traffic impact analysis is required for:
- i. Any development proposed which will generate two hundred (200) average daily trips (ADT) or more based on vehicular trip generation rates as defined by the Institute of Transportation Engineers' most recent publication, "Trip Generation", or the Virginia Department of Transportation. The analysis must be prepared in accordance with VDOT's Traffic Impact Analysis Regulations and Administrative Guidelines and indicate the relationship of the proposed development on the cumulative effect of the traffic and road use for the arterial and secondary roads providing access to the development and any other road or intersection impacted by the development. The traffic impact analysis shall also include other proposed improvements that may be contemplated by the locality that may impact the development. Additional areas may be required to be incorporated into the analysis where traffic and accident data warrant.

Formatted: Font: Not Bold

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

ii. At the request of the zoning administrator, when the proposed development is expected to significantly impact the vehicular movement on the arterial highways within the area.

e. A fiscal impact analysis of the proposed development on the county shall be required and prepared by the applicant to be reviewed and approved by the zoning administrator when the proposal includes residential dwelling units. A fiscal impact analysis is optional when the proposal does not include any residential dwelling units. The analysis shall contain a comparison of the public revenues anticipated to be generated by the development and the anticipated capital, operations, maintenance and replacement costs for public facilities needed to service the project at the adopted county service standards, as well as employment opportunities to be generated by the development. The county shall consider the information provided by the applicant during the development review process; provided, however, that the fiscal impact analysis shall not serve as the sole basis for the approval or disapproval of an individual development proposal unless the health and safety of the community is affected by the inability to provide transportation, fire, police, emergency equipment and services, sewer or water to the proposed development.

2. A general land use plan prepared by a licensed surveyor, engineer, architect, landscape architect or planner utilizing a scale so that the entire parcel can be shown on one (1) sheet of paper no larger than thirty (30) inches by forty (40) inches. In no case, however, shall the scale be less than one (1) inch equals eight hundred (800) feet. The scale used shall be acceptable to the zoning administrator. The general land use plan shall include, but not be limited to:

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

b. A north arrow and graphic scale.

c. The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within or adjoin the property.

d. A description of the type, location and nature of land use within each area of the development, including intensity of use may be regulated as follows:

i. For nonresidential development, the intensity of use may be regulated as follows:

1. By specifying the maximum square footage or gross leasable area.

2. By specifying setbacks, height and bulk restrictions.

3. By a combination of such restrictions for the project as a whole or for components or subareas within the project.

4. In addition, nonresidential planned development plans may specify performance standards to be imposed on the project and restrictions regarding location and nature of commercial and other non residential activities.

e. A generalized layout and description of water and sewer service, schools, fire protection, recreation and similar essential services.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

- f. A delineation and description of the minimum open space and common areas, the location of any proposed improvements within the open space an common areas, and any perimeter and buffer areas.
- i. A general statement describing the provision that is to be made for the dedication or care and maintenance of any public or private open space or service facilities.
- (g) g. A tabulation of the following information:
- i. The total number of dwelling units proposed by type of structure;
- ii. The total square feet of building floor area for nonresidential uses by general type;
- iii. The total land area, expressed in acres and a percent of the total development area, proposed to be devoted to residential and nonresidential uses by type of use, and open space;
- iv. The proposed schedule of off-street parking and loading spaces for each proposed type of land use; and
- v. Bulk, area and height restrictions specified for the project as a whole or for subareas and/or components of the project.
3. A plan or report indicating the extent, timing, and estimated cost of all off-site improvements such as roads, water, sewer and drainage facilities necessary to the construction of the planned development. Such plan or report shall relate to the sequence of development. If the planned development is proposed for construction in phases during a period extending beyond one (1) year, a proposed development schedule shall be submitted for each phase stating the following:
- a. The overall chronology of development to be followed phase to phase with approximate dates for beginning and completion of each development phase.
- b. The infrastructure improvements that will be completed with each phase of construction and estimated cost of each phase.
- c. The proposed intensity of use for each type of land use to be provided or constructed during each phase and the projected market absorption for each use type.
- d. The total amount of public and private open space, and recreational uses to be provided or constructed during each phase.
4. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed planned development, including a statement of legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including a current certificate abstract of title of commitment from title insurance.
5. Architectural sketches of typical proposed residential and nonresidential structures, typical recreation areas, typical streetscape, landscaping and screening areas, and typical development clusters. In addition, architectural variety and enforcement mechanisms for architectural review of all buildings and structures shall be provided.
6. The appropriate filing fee.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

Sec. 34-551. Open space regulations.

- (a) A minimum of ten (10) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- (b) Natural features and amenities, which would add value to the development or to the County as a whole, such as stands of mature trees eight (8) inches or more in diameter measured at breast height (four and one-half (4 ½) feet from ground level, watercourses, historical features, and similar irreplaceable assets, shall be preserved to the maximum extent possible, and shall be given high priority in determining the location of open space.
- (c) Developed open space shall be designed to provide active recreational facilities, which include such complementary improvements as are necessary and appropriate for the use, benefit and enjoyment of the residents of the development.
- (d) The developer shall install playground equipment, playfields, tennis courts or other recreation facilities in accordance with the guarantees established as part of master plan approval. The composition of the facilities to be installed shall be approved by the Board of Supervisors.
- (e) The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the county and retained as common open space for parks, recreation, and related uses. All land dedicated to the county must meet the planning commissions' requirements as to size, shape and location. Public utility and similar easements and rights-of-way for watercourses and other similar channels are not acceptable for common open space dedication to the county unless such land or right-of-way is usable as a trail or other similar purpose and approved by the planning commission.
- (f) The responsibility for the maintenance of all open spaces shall be specified by the development before approval of the final development plan.

(Ord. of 4-18-91(2) § 7)

Sec. 34-552. Utility requirements.

- (a) All planned unit developments shall be served by public water and sewer utility facilities.
- (b) Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be accepted from this requirement if the planning commission finds that such exemption will not violate the intent or character of the proposed unit development.

(Ord. of 4-18-91(2) § 8)

Sec. 34-553. Streets, sidewalks, street lighting and stormwater drainage, etc.

- (a) All streets, sidewalks, street lighting, and stormwater drainage improvements shall meet the design and construction requirements of all applicable county ordinances and the Virginia Department of Transportation (VDOT).
- (b) Private streets may be permitted upon the approval of the Board of Supervisors.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

- (c) Pedestrian pathways or bikeways shall be incorporated into the development to connect all uses through the development, so as to minimize conflicts with vehicular traffic. Pedestrian and bicycle ways shall also be extended to adjacent properties and may be located parallel to the street or away from the road system with considerations for safety and convenient access, and the preservation of natural features and provide visual interests.
- (d) Street lights shall be generally be provided at each intersection and adequately spaced in parking lots and other public areas.
- (e) Drainage facilities for the adequate control of stormwater drainage and erosion and sedimentation shall be provided in accordance with the County's erosion and sediment regulations, VDOT and the Virginia Department of Environmental Quality (DEQ).
- (f) Fire hydrants shall be at locations and of types approved by the County.

Sec. 34-554. Minimum lot size.

- (a) There shall no minimum lot area, width, frontage, and setback requirements for any lot within a planned unit development other than as specified in the approved master plan. The planned development shall be designed to be compatible with surrounding, adjacent, and nearby developed properties. Buffers may be provided where appropriate.
- (b) Consideration shall be given during the design process of such planned developments to location, orientation, spacing and setback of buildings, maintenance of landscaping areas, location of access points, size and location of signage, common open spaces, vehicular parking and movement areas, grading, preservation of existing vegetation, overall landscaping, and stormwater management.
- (c) Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.
- (d) A clustering of dwellings in contiguous groups is encouraged, such as townhouse clusters, etc. but should not limit or prohibit in any way the provision of a mix of unit types with other unit types throughout the planned development.
- (e) All planned development shall provide for appropriate landscaped buffers between the planned development and adjacent lands where deemed appropriate by the Board of Supervisors during the review and approval of the master plan.
- (f) Lots may abut open space where appropriate.

(Ord. of 4-18-91(2) § 10)

Sec. 34-555. Commercial uses.

- (a) Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential access locations at and such that after customers arriving by vehicles enter the development, establishments can be visited with a minimum of internal vehicular movement. Planting screens or fences shall be provided on the sides of the development abutting areas occupied or likely to be occupied by residences.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE III. - ZONING DISTRICTS
DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

- (b) Facilities and access routes for deliveries, services and maintenance shall, so far as reasonably practical, be separated from customer access routes and parking areas. All service and loading areas shall be located away from the view of arterial, secondary, or collector streets.
- (c) When possible, commercial and service uses and structures and their parking areas shall be oriented for access by the general public toward arterials, secondary, or collector streets and oriented away from adjacent minor streets in residential neighborhoods or adjacent residential neighborhoods.
- (d) Vehicular access from minor streets through residential neighborhoods shall be so located, designed, and controlled as to primarily for convenience of linking retail, other commercial and office uses to residential components of the development or for adjoining residential areas and not for general public access.
- (e) Landscaping or other devices shall be used to minimize undesirable views and external exposures from surrounding residential components of the planned development and adjoining residential areas.
- (f) All area designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the planning commission.

Sec. 34-556. Height requirements.

- (a) Maximum building height: Fifty (50) feet

- (1) The Board of Supervisors, following a recommendation by the Planning Commission, may consider on a case-by-case basis, requests to exceed the maximum building height during the master plan process.

34-557 thru 34-594. Reserved.

Formatted: Font: Bold

Formatted: Block 1

DIVISION 13. FLOODPLAIN OVERLAY DISTRICT

Subdivision I. In General

Sec. 34-595. Statutory authorization and purpose.

- (a) The ordinance from which this division is derived is adopted pursuant to the authority granted to localities by Code of Virginia, § 15.2-2280.
- (b) The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

-
- (1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
 - (2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
 - (3) Requiring all those uses, activities, and developments that do occur in floodprone districts to be protected and/or floodproofed against flooding and flood damage; and
 - (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Ord. No. 2016-01, § 1.1, 4-21-2016)

Sec. 34-596. Applicability.

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the county and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to the county by the Federal Emergency Management Agency (FEMA).

(Ord. No. 2016-01, § 1.2, 4-21-2016)

Sec. 34-597. Compliance and liability.

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this division and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this division.
- (b) The degree of flood protection sought by the provisions of this division is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This division does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- (c) This division shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made thereunder.

(Ord. No. 2016-01, § 1.3, 4-21-2016)

Sec. 34-598. Records.

Records of actions associated with administering this division shall be kept on file and maintained by the floodplain administrator.

(Ord. No. 2016-01, § 1.4, 4-21-2016)

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Sec. 34-599. Abrogation and greater restrictions.

This division supersedes any ordinance currently in effect in floodprone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

(Ord. No. 2016-01, § 1.5, 4-21-2016)

Sec. 34-600. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appurtenant or accessory structure means accessory structures not to exceed 200 square feet.

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

Base flood elevation means the Federal Emergency Management Agency designated one percent annual chance water surface elevation and the elevation determined per subdivision IV of this division. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this division, the base flood is the one percent annual chance flood.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Board of zoning appeals means the board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this division.

Coastal A zone means flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three feet.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction means structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

Flood or flooding means:

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source; or
 - c. Mudflows which are proximately caused by flooding as defined in subsection (1)b of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)a of this definition.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study (FIS) means a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive. The county requires a BFE plus 12 inches of freeboard.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Hydrologic and hydraulic engineering analysis means analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the state department of conservation and recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letters of map change (LOMC) means an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Conditional letter of map revision (CLOMR) means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.

Letter of map amendment (LOMA) means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of map revision (LOMR) means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Lowest adjacent grade means the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.

New construction, for the purposes of determining insurance rates, means structures for which the start of construction commenced on or after March 2, 1983, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Post-FIRM structure means a structure for which construction or substantial improvement occurred on or after March 2, 1983.

Pre-FIRM structure means a structure for which construction or substantial improvement occurred before March 2, 1983.

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive loss structure means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event.

Severe repetitive loss structure means a structure that is covered under a contract for flood insurance made available under the NFIP; and has incurred flood rated damage:

- (1) For which four or more separate claim payments have been made under flood insurance coverage with the amount of each claim exceeding \$5,000.00, and with the cumulative amount of such claims exceeding \$20,000.00; or
- (2) For which at least two separate claim payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in this division.

Start of construction, for other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term "substantial improvement" includes structures which have incurred

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

substantial damage regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement must comply with all division requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific division requirement will cause removal of the structure from the National Register of Historic Places or the state inventory of historic places must be obtained from the Secretary of the Interior or the state historic preservation officer. Any exemption from division requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this division is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. The term "watercourse" includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. 2016-01, art. VI, 4-21-2016)

Sec. 34-601. Penalty for violations.

- (a) Any person who fails to comply with any of the requirements or provisions of this division or directions of the director of planning or any authorized employee of the county shall be guilty of the appropriate violation and subject to the penalties therefor.
- (b) The Virginia Uniform Statewide Building Code (VA USBC) addresses building code violations and the associated penalties in sections 104 and 115. Violations and associated penalties of this division are addressed in section 34-38.
- (c) In addition to the penalties set forth in subsection (b) of this section, all other actions are hereby reserved, including an action in equity for the proper enforcement of this division. The imposition of a fine or penalty for any violation of, or noncompliance with, this division shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this division may be declared by the county to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this division.

(Ord. No. 2016-01, § 1.7, 4-21-2016)

Secs. 34-602—34-618. Reserved.

Subdivision II. Administration

Sec. 34-619. Designation of the floodplain administrator.

The community development director or designee is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:

- (1) Do the work themselves. In the absence of a designated floodplain administrator, the duties are conducted by the county chief executive officer.
- (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (3) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.

(Ord. No. 2016-01, § 2.1, 4-21-2016)

Sec. 34-620. Duties and responsibilities of the floodplain administrator.

(a) The duties and responsibilities of the floodplain administrator shall include, but are not limited to:

- (1) Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).
- (2) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (3) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (4) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the state.
- (5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the department of conservation and recreation (division of dam safety and floodplain management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- (6) Advise applicants for new construction or substantial improvement of structures that are located within an area of the coastal barrier resources system established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are shown on flood insurance rate maps as coastal barrier resource system areas (CBRS) or otherwise protected areas (OPA).
- (7) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- (8) Inspect, or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.
 - (9) Review elevation certificates and require incomplete or deficient certificates to be corrected.
 - (10) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the county, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
 - (11) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - a. Flood insurance studies, flood insurance rate maps (including historic studies and maps and current effective studies and maps) and letters of map change; and
 - b. Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
 - (12) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
 - (13) Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
 - (14) Administer the following requirements related to proposed work on existing buildings:
 - a. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the noncompliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
 - (15) Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include, but are not limited to, issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under NFIP flood insurance policies.
 - (16) Notify the Federal Emergency Management Agency when the corporate boundaries of the county have been modified and:
 - a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the board of supervisors for adoption; such adoption shall take place at the same time as or

Created: 2023-12-19 11:51:30 [EST]

prior to the date of annexation and a copy of the amended regulations shall be provided to the department of conservation and recreation (division of dam safety and floodplain management) and FEMA.

- (17) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (b) It is the duty of the floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the county, whether or not those hazards have been specifically delineated geographically (e.g., via mapping or surveying).

(Ord. No. 2016-01, § 2.2, 4-21-2016)

Sec. 34-621. Use and interpretation of FIRMs.

The floodplain administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- (1) Where field surveyed topography indicates that adjacent ground elevations:
 - a. Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as a special flood hazard area and subject to the requirements of these regulations;
 - b. Are above the base flood elevation, the area shall be regulated as a special flood hazard area unless the applicant obtains a letter of map change that removes the area from the SFHA.
- (2) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
- (3) Base flood elevations and designated floodway boundaries on FIRMs and in the FIS shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- (4) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in the FIS.
- (5) If a preliminary flood insurance rate map and/or a preliminary flood insurance study has been provided by FEMA:
 - a. Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to section 34-645 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - c. Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(Ord. No. 2016-01, § 2.3, 4-21-2016)

Sec. 34-622. Jurisdictional boundary changes.

- (a) The county floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to the department of conservation and recreation (division of dam safety and floodplain management) and FEMA.
- (b) In accordance with 44 CFR 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Insurance Administration and optionally the state coordinating office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.
- (c) In order that all flood insurance rate maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority, must be included with the notification.

(Ord. No. 2016-01, § 2.4, 4-21-2016)

Sec. 34-623. District boundary changes.

The delineation of any of the floodplain districts may be revised by the county where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

(Ord. No. 2016-01, § 2.5, 4-21-2016)

Sec. 34-624. Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the zoning officer. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

(Ord. No. 2016-01, § 2.6, 4-21-2016)

Sec. 34-625. Submitting technical data.

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(Ord. No. 2016-01, § 2.7, 4-21-2016)

Sec. 34-626. Letters of map revision.

When development in the floodplain causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a conditional letter of map revision or a letter of map revision. Examples include:

- (1) Any development that causes a rise in the base flood elevations within the floodway.
- (2) Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- (3) Alteration or relocation of a stream (including, but not limited to, installing culverts and bridges).

(Ord. No. 2016-01, § 2.8, 4-21-2016)

Secs. 34-627—34-644. Reserved.

Subdivision III. Establishment of Zoning Districts

Sec. 34-645. Description of special flood hazard districts.

- (a) Basis of districts. The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the county, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated July 7, 2009, and any subsequent revisions or amendments thereto.
- (b) The county may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a local flood hazard map using best available topographic data and locally derived information such as flood of record, historic high-water marks or approximate study methodologies.
- (c) The boundaries of the SFHA districts are established as shown on the FIRM which is declared to be a part of this division and which shall be kept on file at the county offices.
 - (1) The floodway district is in an AE zone and is delineated, for purposes of this division, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 5 of the FIS referenced in subsection (a) of this section and shown on the accompanying FIRM. The following provisions shall apply within the floodway district of an AE zone:
 - a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the

Created: 2023-12-19 11:51:30 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

- b. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies, with the county's endorsement, for a conditional letter of map revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.
 - c. If subsection (c)(1)a of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subdivision IV of this division.
 - d. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- (2) The AE or AH zones on the FIRM accompanying the FIS shall be those areas for which one percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH zone:
- a. The current FIRM/FIS shows no AH zones within the county.
 - b. The following provisions apply within an AE or AH zone where FEMA has provided base flood elevations: Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county.
 - c. Development activities in Zones A1-30 and AE or AH on the county's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies, with the county's endorsement, for a conditional letter of map revision, and receives the approval of the Federal Emergency Management Agency.
- (3) The A zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply:
- a. The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Floodprone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high-water marks, or detailed methodologies, and

Created: 2023-12-19 11:51:31 [EST]

hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

- b. The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level (recommend greater than or equal to one foot).
 - c. During the permitting process, the floodplain administrator shall obtain:
 - i. The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
 - ii. If the structure has been floodproofed in accordance with the requirements of this division, the elevation (in relation to mean sea level) to which the structure has been floodproofed.
 - d. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.
- (4) The AO zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. The current FIRM/FIS shows no AO zones within the county.
 - (5) The Coastal A zone shall be those areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and three feet, and identified on the FIRM as areas of limits of moderate wave action (LiMWA). The current FIRM/FIS shows no LiMWA lines within the county.
 - (6) The VE or V zones on FIRMs accompanying the FIS shall be those areas that are known as coastal high hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast or other areas subject to high velocity waves. The current FIRM/FIS shows no V or VE zones within the jurisdiction.

(Ord. No. 2016-01, § 3.1, 4-21-2016)

Sec. 34-646. Overlay concept.

- (a) The floodplain districts described in section 34-645 shall be overlays to the existing underlying districts as shown on the official zoning map, and, as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- (b) If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
- (c) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. No. 2016-01, § 3.2, 4-21-2016)

Secs. 34-647—34-662. Reserved.

Subdivision IV. District Provisions

Sec. 34-663. Permit and application requirements.

- (a) *Permit requirement.* All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this division and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the county subdivision regulations set forth in chapter 26. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- (b) *Site plans and permit applications.* All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
 - (1) The elevation of the base flood at the site.
 - (2) The elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.
 - (3) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
 - (4) Topographic information showing existing and proposed ground elevations.

(Ord. No. 2016-01, § 4.1, 4-21-2016)

Sec. 34-664. General standards.

- (a) The following provisions shall apply to all permits:
 - (1) New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
 - (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
 - (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

Created: 2023-12-19 11:51:31 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (b) In addition to provisions of subsection (a) of this section, in all special flood hazard areas, the following additional provisions shall apply:
 - (1) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Army Corps of Engineers, the state department of environmental quality, and the state marine resources commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the department of conservation and recreation (division of dam safety and floodplain management), other required agencies, and the Federal Emergency Management Agency.
 - (2) The flood-carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(Ord. No. 2016-01, § 4.2, 4-21-2016)

Sec. 34-665. Elevation and construction standards.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with section 34-645(c), the following provisions shall apply:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to at least one foot (12 inches) above the base flood level.
- (2) *Nonresidential construction.*
 - a. New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to at least one foot (12 inches) above the base flood level.
 - b. Nonresidential building located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus one foot (12 inches) are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the county building official.
- (3) *Space below the lowest floor.* In Zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
 - a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

Created: 2023-12-19 11:51:31 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

- b. Be constructed entirely of flood-resistant materials below the regulatory flood protection elevation.
- c. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - i1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - ii2. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
 - iii3. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - iv4. The bottom of all required openings shall be no higher than one foot above the adjacent grade.
 - v5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - vi6. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined in this subsection (3).

(4) *Standards for manufactured homes and recreational vehicles.*

- a. In all designated special flood hazard areas, all manufactured homes placed, or substantially improved, on individual lots or parcels must meet all the requirements for new construction, including the elevation and anchoring requirements in section 34-664 and this section.
- b. All recreational vehicles placed on sites must either:
 - i1. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - ii2. Meet all the requirements for manufactured homes in subsection(4)a of this section.

(Ord. No. 2016-01, § 4.3, 4-21-2016)

Sec. 34-666. Standards for subdivision proposals.

Standards for subdivision proposals shall be as follows:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, and hydraulic and hydrologic analysis, comparable to those contained in a flood

Created: 2023-12-19 11:51:31 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

insurance study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

(Ord. No. 2016-01, § 4.4, 4-21-2016)

Secs. 34-667—34-686. Reserved.

Subdivision V. Variances; Continuing Uses

Sec. 34-687. Existing structures in floodplain areas.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (1) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC.
- (3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this division and shall require the entire structure to conform to the VA USBC.

(Ord. No. 2016-01, art. V, 4-21-2016)

Sec. 34-688. Variances; factors to be considered.

- (a) Variances shall be issued only:
 - (1) Upon a showing of good and sufficient cause;
 - (2) After the board of zoning appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) After the board of zoning appeals has determined that the granting of such variance will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense; and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.
- (b) While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Created: 2023-12-19 11:51:31 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- (c) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (d) In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:
- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the 100-year flood elevation.
 - (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - (5) The importance of the services provided by the proposed facility to the community.
 - (6) The requirements of the facility for a waterfront location.
 - (7) The availability of alternative locations not subject to flooding for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
 - (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
 - (12) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (13) Such other factors which are relevant to the purposes of this division.
- (e) The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters. Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense; and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.
- (f) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief. The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation:
- (1) Increases the risks to life and property; and
 - (2) Will result in increased premium rates for flood insurance.

- (g) A record shall be maintained of the notification provided for in subsection (f) of this section as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. No. 2016-01, art. VI, 4-21-2016)

Secs. 34-689—34-705. Reserved.

ARTICLE IV. SUPPLEMENTARY REGULATIONS~~PLANNED UNIT DEVELOPMENTS~~

Sec. 34-7068. Accessory uses and structures.

(a) Accessory uses and structures not permitted prior to principal uses or structures.

(1) No accessory use or structure shall be permitted on a lot unless the principal use or structure is in existence previously or until construction of the principal structure is initiated.

(2) Exceptions:

a. A one-story tool and storage shed may be allowed on a vacant lot zoned A-1 for on-site property maintenance provided that the building area does not exceed two hundred fifty-six (256) square feet and the structure meets the following criteria:

i. The building eave height is ten (10) feet or less.

ii. The maximum height from the finished floor level to grade does not exceed eighteen (18) inches.

iii. The supporting structural elements in direct contact with the ground shall be placed level on firm soil and when elements are wood, they shall be approved pressure preservative treated suitable for ground use contact.

iv. The structure is anchored to withstand wind loads as required by the Virginia Construction Code.

v. The structure shall be of light-frame construction whose vertical and horizontal structural elements are primarily formed by a system of repetitive wood or light gauge steel framing members, with walls and roof of light weight material, not slate, tile, brick or masonry.

vi. Application for a conditional use permit may be made to allow construction of a utility/storage building that exceeds two hundred fifty-six (256) square feet and shall be reviewed with consideration given to the property acreage and the reason a larger building is required for property maintenance and storage.

b. A fence of no more than four (4) feet in height may be allowed on a vacant lot in a residential zoning district.

(b)B. Accessory uses to residential principal uses.

(1) The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory uses to residential principal uses:

a. Hobbies or recreational activities of a noncommercial nature.

Formatted: Font: (Default) Times New Roman,
Condensed by 0.05 pt

Formatted: List Paragraph

Formatted: Indent: First line: 0"

Created: 2023-12-19 11:51:31 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- b. The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling.
- c. Yard sales or garage sales, so long as such sales are not conducted on the same lot more than three (3) days (whether consecutive or not) during any ninety-day period.
- ~~(2)2.~~ Accessory building requirements.
 - a. The square footage of an accessory building shall not exceed the total square footage of the primary structure.
 - b. The following provisions shall regulate the location of accessory buildings with respect to required yards:
 - i. Accessory buildings shall be prohibited in any required yard which adjoins a street.
 - ii. Accessory buildings shall be located at least five (5) feet from any required rear lot boundary lines.
 - iii. Where an accessory building is located in a zoning district requiring a side yard and such building is entirely to the rear of the principal structure, the accessory building shall be located at least five (5) feet from any adjoining lot line.
 - iv. Accessory buildings shall not exceed the maximum height restriction for the zone in which such structures are located and shall be subject to the requirements of Sec. 34-709.a.2+6-327.A.2.
 - v. Shipping containers associates with storage incidental and accessory to a residential primary use on a lot zoned A-1 may be permitted subject to a conditional use permit.

Sec. 34-7079. Walls and fences.

~~A.~~(a) Unless otherwise provided for by this ordinance, fences or walls not more than six (6) feet in height may be located in any required side or rear yard in any district, other than a required yard adjacent to a street except as follows:

~~1.~~(1) On parcels zoned or occupied by a single-family or two-family residence, no fence or wall which creates a solid screen may exceed two and one-half (2½) feet in height in any required front yard, except that fences having a uniform open area of fifty percent (50%) or more may be erected to a maximum height of four (4) feet in such required yards.

~~2.~~(2) On parcels zoned for or occupied by any use other than a single-family or two-family dwelling, no fence or wall that creates a solid screen may exceed three and one-half (3½) feet in height in any

Formatted: Font: Bold

Formatted: Font: Bold

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

required front yard, except that fences having a uniform open area of fifty percent (50%) or more may be erected to a maximum height of four (4) feet in such yards.

- ~~3~~(3) Heights shall be measured from the average ground level adjacent to the fence or wall and shall exclude columns and posts.
- ~~4~~(4) The zoning administrator may approve the issuance of a building permit for a fence or wall higher than four (4) feet in the secondary front yard of a residential corner lot or through lot under the conditions set out in subparagraphs a. through d. below.
- a. The height of the fence or wall does not exceed six (6) feet.
- b. The fence or wall shall meet the minimum side yard setback of the underlying zoning district from the edge of the right-of-way, sidewalk, walking and biking trail, or ingress/egress easement, except in no case shall the setback be less than five (5) feet.
- c. The fence shall not extend past the rear foundation wall of the principal structure of any side adjacent to a street.
- d. The fence or wall shall not interfere with or impede traffic visibility.
- e. The fence is constructed so that the finished side faces the street.
- ~~(5)5. Open wire fences not exceeding eight (8) feet in height may be erected in any required yard when wholly or partially enclosing any public school, park, recreational or playground site, public safety facility, or a public utility. Height shall be measured from the average level of the ground adjacent to the fence or wall.~~
- ~~(6)6. Fences erected for agricultural purposes are exempt from this section.~~
- ~~(7)7. The height, design, and location of fences in required yards erected in conjunction with a bona fide and permitted industrial use or operation may be exempt from this section subject to the review and approval of the zoning administrator.~~
- ~~(8)8. The height, design, and location of fences or walls in required yards erected in conjunction with an electrical utility station or substation may be exempt from this section subject to the review and approval of the zoning administrator.~~
- ~~(9)9. The height and location of fences or walls existing prior to the adoption of this zoning ordinance effective on a property designated as a National Historic Landmark located in a designated historic overlay district may be exempt from this section subject to the review and approval of the zoning administrator.~~

Sec. 34-70810. Projections and yard setback modifications.

- ~~(a)A. Covered, unenclosed front porches.Covered, unenclosed porches, decks, landings, steps, terraces, patios or platforms, open on three (3) sides except for necessary supporting columns and customary architectural features, may be permitted in a required front yard provided that such structure shall not be more than eight (8) feet in width and shall not project more than three (3) feet into such yard.~~
- ~~(b)B. Covered unenclosed porches permitted in required side or rear yard.Covered, unenclosed porches, decks, landings, steps, terraces, patios or platforms, open on three (3) sides except for necessary~~

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

supporting columns and customary architectural features, may be permitted in required side or rear yards provided that no such structure, shall project closer than three (3) feet to any side lot line, that no such structure shall be more than one (1) story in height or more than twenty-four (24) feet in length, and that no such structure shall project more than eight (8) feet into any required rear yard.

- ~~(c)C-~~ Uncovered porches.Uncovered porches, decks, landings, steps, terraces, patios or platforms which do not extend above the level of the first floor of the building (except for railings and railing supports) may project into any required front, side or rear yard or court not to exceed eight (8) feet.
- ~~(d)D-~~ [Architectural features, chimneys, air conditioners, cornices, eaves, belt courses, sills, canopies, or other similar architectural features.]Architectural features, chimneys, air conditioners, generators, fuel tanks, cornices, eaves, belt courses, sills, canopies, or other similar architectural features (but not including bay windows or vertical projections) may project into a required side yard not more than eighteen (18) inches, but not closer than three (3) feet to the side lot line, and may not exceed thirty-six (36) inches. Chimneys and air conditioners may project into any yard not more than eighteen (18) inches, but air conditioners rated at twenty-four thousand (24,000) BTU or less shall not be so placed as to discharge air within five (5) feet of side yard lines, and those rated over twenty-four thousand (24,000) to discharge air within twelve (12) feet of side yard lines, other than side yard lines adjacent to streets.
- ~~(e)E-~~ Open fire escapes.Open, unenclosed fire escapes may project not more than four (4) feet into any required yard, but shall not project closer than three (3) feet to any side lot line.
- ~~(f)F-~~ Open stairways and balconies.Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard only, not more than four (4) feet, but shall not be within three (3) feet of any property line.
- ~~(g)G-~~ Exemption of front yard setback for handicap ramps.Handicap ramps used for residents of a single-family dwelling shall be allowed to encroach into the required front yard setback. The ramp must be built in accordance with the American Disabilities Act as it pertains to wheelchair accessibility. In no instances shall the ramp be covered.

Sec. 34-70911. Exceptions to height limits.

- (a) Notwithstanding other regulations in this article or the maximum specified for the respective zone, the following structures shall be permitted:
- (1) Church spires, belfries, cupolas, monuments, chimneys, utility transmission towers, water towers, fire towers, cooling towers, elevator penthouses, monuments or towers used in the manufacturing process, or other similar structures, may be permitted to exceed the height stipulated in the schedule of zone regulations by no more than twenty-five percent (25%) if attached to a building or to a maximum of one hundred (100) feet if freestanding. The zoning administrator shall determine whether a proposed height increase is reasonable and serves a function beyond merely drawing attention to the structure. If an increase above a total of one hundred (100) feet is desired, a conditional use permit must be obtained.
 - (2) Except where provided for in this ordinance, no accessory building or structure shall exceed the maximum height limitation established for the zoning district or the height of the structure to which it is accessory, whichever is less, provided, however, that structures which are accessory

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

to a single-story structure may be constructed to a maximum height not exceeding one hundred twenty-five percent (125%) of the height of the principal structure. In cases where this is permitted, the accessory structure shall be separated from the principal residential structure by a distance of at least twenty (20) feet.

- (3) Buildings or structures used in conjunction with a bona fide agricultural use or operation in the A-1 district shall be exempt from the height limits specified in the zoning district regulations.

Sec. 34-7102. Prohibited uses.

- (a) The following uses are specifically excluded from all districts:

- (1) Unless otherwise expressly permitted, the use of a recreational vehicle as a temporary or permanent residence.
- (2) Unless associated with a bona-fide agricultural use, the use of a motor vehicle permanently parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.
- (3) It shall be unlawful for any person, firm or corporation to keep on any property any watercraft which is inoperable, except within a fully enclosed building or structure or otherwise shielded or screen from view.

- (b) Prohibited uses in certain residential districts.

- (1) The following activities are prohibited in the R-1, R-2, R-3, R-MHP and PUD districts:
 - a. Parking of a commercial vehicle overnight shall be prohibited, unless otherwise expressly permitted by this ordinance.
 - b. No construction machinery or similar equipment shall be parked overnight unless the machinery is incidental to improving the premises.

Sec. 34-7113. Supplementary use regulations.

- (ae) The following supplementary use regulations are additional, modified, or more stringent standards for particular land uses contained in the zoning districts and boundaries. The standards set forth in the supplementary use regulations shall be met regardless of the form of action required for approval.

- (1) Adult care center.

- a. Proof that all required local, state, or federal licenses, permits, and other documents necessary for the operation of an adult care center shall be provided to the zoning administrator prior to the issuance of a zoning permit.
- b. The zoning administrator shall be notified of any license expiration, suspension, revocation or denial within three (3) days of such event. Failure to do so shall be deemed willful noncompliance with the provisions of this zoning ordinance.

- (2) Airport.

- a. An aircraft landing area or airport may be permitted, provided:
 - i. A satisfactory airspace analysis by the Federal Aviation Administration for operation under visual flight rules shall be submitted with the use permit application.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Indent: Left: 0", Hanging: 0.5"

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- ii. For fixed-wing aircraft, a clear zone extending one thousand (1,000) feet from the end of all runways shall be secured through ownership or easement, but, in no case, shall the end of a runway be closer than two hundred (200) feet from any property line.
 - iii. For both fixed- and rotary-wing aircraft, neither the landing area nor any building, structure, or navigational aid shall be located within four hundred (400) feet of any property line adjacent to a residential district or use.
 - iv. Landing areas for rotary-wing aircraft shall be designed to comply with the Airport Design Guide of the Federal Aviation Administration.
- (3) Asphalt plant facility.
- a. General standards:
 - 1. In considering a conditional use permit request for an asphalt plant facility, the board shall specifically consider and set standards for the following:
 - i. The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height.
 - ii. Specific measures to control dust during the construction and operation of the plant.
 - iii. Specific levels of noise permitted during the daytime and nighttime operation of the plant, as measured at adjacent property lines, and any additional requirements for the design or operation of the plant intended to reduce noise.
 - iv. The outdoor storage of tools, bulk or bag materials, and similar items shall only be allowed behind a screened storage area.
- (4) Bed and breakfast.
- a. Bed and breakfasts shall comply with the following standards:
 - 1. Maximum number of guest bedrooms: Five (5);
 - 2. Maximum number of guests at any one (1) time: Fifteen (15);
 - 3. No paying guest shall stay on any one (1) visit for more than fourteen (14) consecutive nights;
 - 4. One (1) off-street parking space for each guest bedroom shall be provided in a side or rear yard;
 - 5. Meal service is limited to one (1) daily meal between 6:00 a.m. and 11:00 a.m. per paying overnight guest and is subject to approval by the Sussex County Health Department for food preparation; and
 - 6. At least one (1) operator of the bed and breakfast shall reside on the premises or on an adjacent premises.
- (5) Brewery, distillery, cidery.
- a. Tasting rooms, restaurants, retail space, and other ancillary uses shall not exceed fifty percent (50%) of the floor area of the establishment.

Formatted: Indent: Left: 1.5", No bullets or

Formatted: Font: (Default) Times New Roman,
Condensed by 0.05 pt

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

(6) Campground.

a. All campground shall meet the following requirements:

- i. Campground area.a.Minimum lot area: Ten (10) acres.
- ii. Minimum lot frontage: One hundred fifty (150) feet abutting a public highway, road, or other public right-of-way, unless otherwise approved by the board of supervisors.

b. Camping site density.

- i. The density of campsites in a campground shall not exceed an average of fifteen (15) campsites per acre of the developed portion of the campground, inclusive of service roads, toilet facilities, and service buildings.
- ii. The camping site shall either provide a parking space for one (1) motor vehicle that will not interfere with the convenient and safe movement of traffic, or provide equivalent parking of one (1) parking space per camping site in a central area.
- iii. Setbacks.....Minimum setback of all camping sites or pads from:
 1. Adjacent property lines and public or street rights-of-way: One hundred (100) feet.
 2. Any residence of adjacent property owners: Three hundred (300) feet.
 3. All interior roads and from each other: Twenty (20) feet.

c. Roads.

- i. Interior roads shall be constructed of a minimum of six (6) inches of gravel and be twenty (20) feet wide, except that one-way roads may have a minimum width of ten (10) feet.
- ii. Campgrounds shall be provided with safe and convenient vehicular access from abutting public streets or roads.
- iii. Connections of campgrounds with public streets or roads shall conform to the applicable design standards as required by the Virginia Department of Transportation (VDOT).

(+) d. Water and sewer.Each campsite shall have an available water supply and sewage disposal facilities as may be required by the appropriate state and county agencies.

- i. Whenever public water and/or sewer systems are available, such systems shall be used.
 1. Service buildings. Each campground shall provide conveniently located service building(s) which shall contain the following minimum equipment for each twenty (20) campsites within the campground:
 - a. One (1) lavatory; and
 - b. One (1) shower with hot and cold running water for males;
and
 - c. One (1) of each for females.
 2. Such equipment shall be in accordance with county and state codes.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

e. Recreation area.A minimum of fifty percent (50%) of the total campground shall be reserved for open space and developed recreational area and shall not include any land required for individual campsites, roads or service area.

(2)f. Fire protection.Each campground shall provide such fire protection equipment as may be recommended by the local fire department. During installation of electrical service facilities for the campground, the department of inspections shall inspect and approve the installed electrical systems. A certificate of approval shall be displayed in the electrical service equipment area and a copy shall be provided to the zoning administrator.

i. Additional regulations required to ensure the campground is protected from fire:

1. Campgrounds shall be kept free of litter, rubbish, and other flammable materials.
2. Portable fire extinguishers rated for class A, B, and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than required by applicable codes.
3. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.

g. Site plan.A site plan shall be submitted for all campgrounds.

h. Time restrictions.No recreational vehicle or camping trailer shall be used as a permanent residence and no individual unit shall be continually occupied in any location for a period of more than sixty (60) days within the period of one (1) year from the date it was first brought into the community.

(7) Cemetery.Distance from wells:

- a. Any burial plot on land abutting a public or private street shall comply with the required front yard setback of the underlying zoning district and twenty-five (25) feet from all property lines. In addition, cemeteries shall comply with all state regulations, including setbacks from residential uses and public water supplies.
- b. Arrangements for perpetual maintenance of the cemetery shall be in compliance with all applicable governmental laws and regulatory requirements and shall be approved by the county attorney as to form.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

c. All cemeteries shall meet the requirements set forth by the department of health.

(8) Child care center

- a. Proof that all required local, state, or federal licenses, permits, and other documents necessary for the operation of a child care center shall be provided to the zoning administrator prior to the issuance of a zoning permit.
- b. The zoning administrator shall be notified of any license expiration, suspension, revocation or denial within three (3) days of such event. Failure to do so shall be deemed willful noncompliance with the provisions of this zoning ordinance.
- c. Where provided for in the zoning district(s) regulation(s) and as a conditional use, a child care center may be permitted upon a finding of the following criteria:
 - i. That the site of the child care center will accommodate the projected traffic, parking, and the number of individuals being cared for, noise, or type of physical activity;
 - ii. That there is ample indoor and outdoor play space, free from hazard, appropriately equipped, and readily accessible for the age and number of children attending the child day care center; and
 - iii. That the total area of the property upon which the child care center is located contains no less than one thousand (1,000) square feet per child to be cared for in the child care center.
 - iv. A conditional use permit shall not be required for a child care center that is operated by a religious organization, in buildings or structures on property regularly used as a place of worship, or on adjacent leased property.

(9) Commercial accessory apartment.

- a. Location.A commercial accessory apartment may be located either above or attached to the rear of a commercial unit. In no case shall an accessory apartment be allowed in an accessory structure.
- b. Minimum lot size.The minimum lot size for a commercial unit with an accessory apartment shall meet the minimum square footage required for the zoning district in which the use is located.
- c. Maximum floor area.
 - i. The maximum floor area of an accessory apartment(s) located above a commercial unit shall not exceed fifty percent (50%) of the entire unit.
 - ii. The maximum floor area of an accessory apartment located to the rear of a commercial unit shall not exceed thirty-five percent (35%) of the entire unit.
 - iii. Maximum number of bedrooms.No more than two (2) bedrooms are permitted in an accessory apartment.
 - iv. Maximum number of accessory apartments.No more than one (1) accessory apartment is permitted per commercial use.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

v. Exterior appearance.

1. The entry to the apartment shall be located on the side or rear of the commercial unit, and the building design shall maintain its commercial character and appearance.

2. No accessory apartment shall be attached to a commercial unit by open walkways, breezeways, patios, decks, etc.

vi. Water and sewer service.Approval of the water supply and sewage disposal shall be obtained from the Sussex County Department of Health or the Sussex Service Authority.

vii. Parking.Parking for the apartment must be located to the rear or side of the commercial unit. Each apartment must be provided one and one-half (1.5) parking spaces in addition to what is required for the commercial use.

(10) Commercial outdoor entertainment/sports and recreation.

a. All principal buildings and structures and all intensively active areas associated with this use shall comply with the height, coverage, and setback regulations for the district in which they are located.

b. The provision of food, refreshments, and entertainment as an accessory use to the principal use shall be permitted, provided such activity shall not create additional demand on on-site facilities, including parking, access, utilities, etc.

c. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.

(11) Commercial outdoor swimming pool and tennis facility.

a. Minimum area is five (5) acres;

b. Minimum frontage of two hundred (200) feet on a public road;

c. Swimming pools, tennis courts, recreation areas, and buildings shall be at least two hundred (200) feet from any adjacent residential zone; and

d. Setbacks for swimming pools and tennis facilities shall be fifty (50) feet from the front property line, thirty-five (35) feet from the rear line, and twenty-five (25) feet from each side property line in all zones.

(12) Community center.

a. Pedestrian access and/or bike paths shall be provided to adjacent residential developments. A bike parking area shall also be provided.

b. Entrances for vehicular access must be provided in accordance with requirements of the Virginia Department of Transportation, and shall be located at least fifteen (15) feet from any recreational use on the lot and from exterior lot lines.

c. Vehicular parking shall be in accordance with the requirements of this ordinance and shall not be designed as to require or encourage cars to back into a street.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- d. Lighting shall be arranged to shine inward so that it does not reflect onto adjacent properties or impair the safe movement of traffic.

(13) Community recreation.

- a. Community recreational facilities shall be developed solely for the noncommercial use of the residents and guests of the residential development.
- b. A conditional use permit shall be required for the commercial or noncommercial use of a community recreational facility by the general public. The board of supervisors, following a recommendation by the planning commission, may vary area and setback requirements for existing facilities, provided that alternative methods of protecting adjoining properties are required as conditions of the conditional use permit.
- c. Community recreational facilities may be owned and operated by a homeowner's association or a private or public entity.
- d. All outdoor recreational playfields, grounds and facilities and associated fences or enclosures shall conform to the required front and corner side yard building setbacks of the underlying zoning district.
- e. Recreational structures for indoor recreation shall meet the required setbacks of the underlying zoning district for a primary use.
- f. Pedestrian access to community recreational areas shall be provided throughout the entire development.
- g. Entrances for vehicular access must be provided in accordance with requirements of the Virginia Department of Transportation, and shall be located at least fifteen (15) feet from any recreational use on the lot and from exterior lot lines.
- h. Vehicular parking shall be in accordance with the requirements of this ordinance and shall not be designed as to require or encourage cars to back into a street. A reduction of up to twenty-five percent (25%) may be granted administratively if the development contains bike paths and a bike parking area. This reduction does not apply to the requirements for employee vehicular parking, or to any community recreational facility open to the general public.
- i. A landscaped buffer shall be provided for all community recreational uses.
- j. Lot lots developed separately from other recreational areas may be exempt from landscaping requirements.
- k. Lighting shall be arranged to shine inward so that it does not reflect onto adjacent properties or impair the safe movement of traffic.

(14) Construction office temporary.

- a. Temporary construction offices, including trailers, may be used on construction sites provided that such structures shall be removed from the subject property within thirty (30) days of:
- i. The issuance of a certificate of occupancy for building construction;
- ii. For a residential subdivision, upon completion of infrastructure and site improvements; or

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- iii. The expiration of the building or zoning permit, whichever was last issued, for the property.
- b. Upon written request, the zoning administrator may grant a reasonable extension of time based on extenuating circumstances related to the character and complexity of the construction project.

(15) Construction yard.

- a. All materials stored on the property shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential district.
- b. Vehicles, equipment, materials and storage yards shall be sufficiently screened with landscaping and/or fencing to the satisfaction of the zoning administrator.
- c. The Board of Supervisors, following a recommendation from the Planning Commission may waive the maximum height requirement for the underlying zoning district for any structure and/or material stockpiles, and may impose additional setback requirements necessary to compensate for any increased height.
- d. Specific measures shall be required to control dust on the site.
- e. The maintenance and repair of all vehicles and equipment shall be conducted within an enclosed building and/or fully screened from public rights-of-way and adjacent residential properties.

(16) Contractor office and storage facility

- a. All materials stored on the property shall be placed either indoors or in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential district.

(17) Dwelling, single-family, attached or townhouse.

- a. Townhouses are permitted as indicated in zoning district(s) regulation(s). The following standards for townhouse development are intended to supplement, and in some cases, supersede those outlined in the district regulations:
 - i. Density requirements...Maximum density: Fourteen (14) dwelling units per acre.
 - ii. Townhouse developments:
 - iii. Each parcel utilized for townhouse development shall have a minimum frontage of at least one hundred (100) feet upon a public street and shall have a minimum depth of not less than one hundred (100) feet.
 - iv. The maximum lot coverage shall be sixty (60) percent of the total tract area.
 - v. Townhouse lots:
 - vi. The lot width, measured at the building line, for individual townhouse dwelling units shall be no less than twenty (20) feet.
 - vii. The lot width of end units of townhouse structures shall be adequate to provide the required side yards.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

viii. There shall be no more than one (1) townhouse dwelling unit on a townhouse lot.

ix. Individual townhouse lots shall contain no less than one thousand five hundred (1,500) square feet.

b. Yard requirements:

i. Front yards.The front yard of a townhouse lot which fronts on a public or private street shall be twenty (20) feet.

ii. Side yards.Side yards shall be required only for end unit lots of a townhouse structure and shall be ten (10) feet in width, except that a side yard adjacent to a public or private street, or adjacent to the property line of the townhouse development shall meet the required minimum front yard setback.

iii. Rear yards.A rear yard of twenty (20) feet shall be provided for each townhouse lot.

c. Building requirements and relationship:

i. Dwelling units per townhouse structure and length of structure.No more than ten (10) dwelling units shall be contained in a townhouse structure with entire structure not to exceed three hundred (300) feet in length.

ii. Setback between buildings.The minimum distance between any two (2) unattached townhouse structures shall be thirty (30) feet. The setback shall be increased to fifty (50) feet if the townhouse structures are face to face. The point of measurement shall be the exterior walls of the structures and does not include balconies or other architectural features.

iii. Distance to service areas.No townhouse structure shall be closer than twenty (20) feet to any interior driveway or closer than fifteen (15) feet to any off-street parking area excluding a garage or parking space intended to serve an individual townhouse unit.

d. [Minimum livable area:]Individual townhouse units shall contain at least nine hundred (900) square feet of livable floor area, exclusive of garages, carports, basements, attics, open porches, patios, or breezeways.

e. Utilities—Water and sewage systems:

i. Townhouses shall provide public water and public sewerage systems constructed in accordance with standards and specifications for such systems and be approved by all appropriate agencies including the Sussex Service Authority.

ii. All utilities shall be located underground.

f. [Private streets:]Private streets shall meet the design, material and construction standards established by the Virginia Department of Transportation. A maintenance plan shall be prepared and submitted as part of the site development plan approval process.

g. Open space:A minimum of seven hundred and fifty (750) square feet per unit of open space shall be maintained as open space. This required open space shall not be devoted to service driveways, off-street parking, or loading spaces.

h. Landscaping:For the purpose of landscaping, townhouses shall be treated as a commercial use type and required to submit a landscaping plan meeting all of the guidelines and specifications of article VIII

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

pertaining to such use types.

i. Management of common and open spaces in townhouses and condominium developments:

i. All common and open spaces shall be preserved for their intended purpose as expressed on the site plan.

ii. A management structure consisting of a nonprofit association, corporation, trust, or foundation for all owners of residential property within the development shall be established to insure the maintenance of open space and other facilities.

iii. The management structure shall be established prior to final site plan or construction plan approval.

iv. Membership in the management structure shall be mandatory for all residential property owners, present or future, within the development.

v. The management structure shall manage all common and open spaces, recreational and cultural facilities, and private streets, and shall provide for the maintenance, administration and operation of said land and improvements, and secure adequate liability insurance on the land.

vi. The management structure and organization shall comply with the Condominium Act, Code of Virginia (1950), as amended.

j. Architectural treatment:The following architectural treatments shall be incorporated into all townhouse developments:

i. Townhouse rows shall avoid monotonous facades and bulky masses. No more than two (2) consecutive units shall have the same façade plane, and no more than fifty percent (50%) of the units in any building shall have the same façade plane.

ii. Developments shall possess architectural variety but enhance an overall cohesive residential character. This character shall be achieved through the creative use of design elements such as balconies and or terraces, articulation of doors and windows, varied sculptural or textural relief of facades, and architectural ornaments, varied rooflines or other appurtenances such as lighting fixtures and/or plantings, and where applicable varied placement of front entryways.

iii. Townhouses may front onto open spaces. In this instance, a private shared driveway in the rear of residential buildings shall be utilized.

iv. Garages shall not protrude beyond the farthest wall of the residential building on the same side.

v. In instances where front entryways are placed in the front yard of a townhouse, garages shall not protrude forward beyond the front door of the housing unit.

vi. Pedestrian pathways shall be used to link all buildings, green spaces, and recreational areas within the development. Buildings shall be linked to sidewalks and to each other as appropriate. These walkways shall be landscaped and lighted. (7-7-05; 7-17-14.)

(18) Dwelling, multi-family.

a. Districts permitted.Multifamily and congregate housing uses are permitted as indicated in the zoning district regulations. The following standards for such uses are intended to supplement, and in some cases, supersede those outlined in the schedule of zone regulations district regulations.

b. Density controls for multifamily apartment development.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- i. Lot area and dimensions.
 - 1. Minimum frontage:One hundred (100) feet in continuous frontage.
 - 2. Minimum lot depth:One hundred (100) feet.
- ii. Minimum setbacks:
 - 1. Front: Thirty (30) feet.
 - 2. Side: Fifteen (15) feet.
 - 3. Rear: Twenty (20) feet.
- iii. Buffers and special setback requirements.
- c. An additional setback of one (1) foot for each one (1) foot of height in excess of thirty-five (35) feet shall be required from all public streets and any property line adjacent to single-family residential districts or property used for single family dwellings. No parking or refuse containers should be located within the required setback area between single family and multifamily.
- d. The minimum distance between multifamily structures shall be no less than the height of the taller of the two (2) adjacent structures.
- e. Maximum density:Fourteen (14) dwelling units per acre..Lot coverage:The maximum lot coverage shall be sixty (60) percent of the total tract area.
- f. Open space:
 - i. A minimum of seven hundred and fifty (750) square feet per unit shall be maintained as open space. This required open space shall not be devoted to service driveways, off-street parking, or loading spaces.
 - ii. Each such recreational space shall be at least fifty (50) feet in the least dimension.
- g. [Multifamily apartments:]Multifamily uses shall be provided with public water and public sewerage systems constructed in accordance with county standards and specifications for such systems and be approved by all appropriate agencies.
- h. [Private streets:]Private streets shall meet the design, material and construction standards established by the Virginia Department of Transportation. A maintenance plan shall be prepared and submitted as part of the site development plan approval process.
- i. Landscaping:For the purpose of landscaping, multifamily dwellings shall be treated as a commercial use type and required to submit a landscaping plan meeting all of the guidelines and specifications of article VIII pertaining to such use types.
- j. Management of common and open spaces in multifamily developments:
 - i. All common and open spaces shall be preserved for their intended purpose as expressed on the approved site plan.
 - ii. A management structure consisting of a nonprofit association, corporation, trust, or foundation for all owners of residential property within the development shall be established to insure the maintenance of open space and other facilities.
 - iii. The management structure shall be established prior to final site plan or construction plan approval.
 - iv. Membership in the management structure shall be mandatory for all residential property owners.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

present or future, within the development.

v. The management structure shall manage all common and open spaces, recreational and cultural facilities, and private streets, and shall provide for the maintenance, administration and operation of said land and improvements, and secure adequate liability insurance on the land.

vi. The management structure and organization shall comply with the Condominium Act, Code of Virginia (1950), as amended.

k. Architectural treatment:The following architectural treatments shall be incorporated into all multifamily developments:

i. Developments shall possess architectural variety but enhance an overall cohesive residential character. This character shall be achieved through the creative use of design elements such as balconies and or terraces, articulation of doors and windows, varied sculptural or textural relief of facades, and architectural ornaments, varied rooflines or other appurtenances such as lighting fixtures and/or plantings, and where applicable varied placement of front entryways.

ii. Pedestrian pathways shall be used to link all buildings, greenspaces, and recreational areas within the development. Buildings shall be linked to sidewalks and to each other as appropriate. These walkways shall be landscaped and lighted.

iii. Open space areas shall be considered an organizing element of the site plan. Courtyards or greens shall be utilized within the development. In such instances, residential buildings shall front on these open spaces.

(19) Educational facility, primary/secondary.

a. Existing facilities may be enlarged without a conditional use permit, provided that all other site improvements are met.

(20) Family Day Home.

a. The following must be satisfied prior to the issuance of a zoning permit for a family day care home serving six (6) through twelve (12) children:

i. The zoning administrator shall send written notification by certified letter to the last known address of each adjacent property owner advising of the proposed family day care home.

ii. If no written objection from any property owner so notified is received within thirty (30) days of the date of sending the notification letter and the zoning administrator determines that the family day care home otherwise complies with the zoning ordinance, the zoning administrator may issue a zoning permit for the family day care home.

iii. If written objection from any property owner so notified is received within thirty (30) days of sending the notification letter, then the zoning administrator may not issue a zoning permit unless and until such time as a conditional use permit for the family day care home is approved by the board of supervisors with a recommendation by the planning commission.

(21) Flea market.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- a. The following shall apply to all flea markets:
 - i. All areas and/or structures designated and used for storage, display and/or sale of merchandise shall be shown on a site plan approved by the county. All such areas shall be under a roof or in permanently designated areas. Use of any area not shown for such use on the approved site plan, including parking areas for incidental sales, shall constitute a violation of this ordinance.
 - ii. The location of all outdoor areas used for the display and/or sale of merchandise shall meet the setback requirements of the underlying zoning district from any street. Merchandise shall be removed from outdoor display areas on a daily basis, including any temporary structures used in the display or sale of the merchandise.
 - iii. Regular refuse disposal shall be required and the property shall be kept free of litter, rubbish, and all other materials.
- b. Any tractor trailers, shipping containers and similar facilities or structures are prohibited.

(22) Garage apartment.

- a. The garage apartment shall not contain more than two rooms plus a kitchenette and bathroom.
- b. The owner must reside in the single-family dwelling.
- c. The garage apartment shall not be offered to the general public for rent and the use of which shall be limited to either members of the principal owner's family or to domestic servants/caretakers employed by the owner.
- d. A detached garage apartment shall contain 50% storage space.
- e. A detached garage apartment shall be located behind the single-family dwelling and shall meet the same minimum setbacks prescribed by the zoning district for a single-family dwelling.
- f. A detached garage apartment shall not be taller than the single-family structure to which it is accessory, except that a garage apartment may be erected up to a height of 35 feet, in the A-1 and R-R zoning districts, when located at least 150 feet from the primary residence and 100 feet from any adjacent side or rear property line.
- g. No dwelling units other than the principal single-family and one such garage apartment shall be located on a lot, tract or parcel of land.
- h. Exterior appearance.The design of a guest house shall maintain and enhance the character and exterior appearance of the primary dwelling.

(23) Golf course.

- a. The incidental provision of food, refreshments, and entertainment for patrons and their guests may be allowed in connection with such use, provided that their provision is subordinate to the principal use.
- b. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area or adjacent streets.
- c. If adjacent to single-family residential use all buildings and parking shall meet a minimum setback

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

of one hundred (100) feet from the property line.

- d. Adequate spacing and/or netting, screening, or other similar measures shall be installed around the golf ball landing area to ensure golf balls don't land beyond the subject property lines or negatively impact any existing adjoining structures located outside of the golf course community.

(24) Greenhouse, commercial.

- a. All buildings and outdoor storage areas shall be at least fifty (50) feet from any property line, except:
- i. Plant materials may be stored or displayed in the front yard no closer than thirty-five (35) [feet] from a street. The display of equipment, tools or bagged and bulk materials in the front yard shall be prohibited.
 - ii. All materials stored on site that produce odors or attract pests or other vermin shall be effectively covered or otherwise managed to effectively eliminate any nuisance of such storage.
 - iii. The outdoor storage of garden tools, bulk or bag materials, and similar items shall only be allowed within a fully screened storage area.

(25) Guest house.

- a. Location.A guest house shall be located as an accessory structure that meets required primary structure setbacks. Guest houses shall not be permitted on any lot which does not have one hundred percent (100%) of the minimum lot size requirement for the zoning district in which the use is located.
- b. The owner of the lot or parcel must occupy the primary dwelling.
- c. A guest house shall not be permitted as an accessory structure prior to the construction and occupancy of the primary dwelling.
- d. Occupancy.
- i. No such quarters shall be occupied by the same guest or guests for more than three (3) consecutive months in any twelve-month period.
 - ii. No such quarters shall be rented, leased, or otherwise made available for compensation of any kind.
 - iii. Maximum floor area.The maximum floor area of a guest house shall not exceed thirty percent (30%) of the floor area of the primary dwelling, excluding garages, breezeways, patios, decks, etc.
 - iv. Maximum number of bedrooms.No more than two (2) bedrooms are permitted in a guest house.
 - v. Maximum number of guest houses.There shall be no more than one (1) guest house permitted per residential lot or parcel.
 - vi. Exterior appearance.The design of a guest house shall maintain and enhance the character and exterior appearance of the primary dwelling.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

vii. Water and sewer service.Approval of the water supply and sewage disposal shall be obtained from the Sussex County Health Department or the Sussex Service Authority.

(26) Home Occupations, Type I and Type II

- a. Home occupations are intended to allow for home business opportunities without disturbing the residential character and nature of the surrounding neighborhoods. These provisions are adopted in recognition that small-scaled commercial activities may be appropriate in conjunction with residential uses. The character and scale of such commercial activities must be subordinate and incidental to the principal use of the premises for dwelling purposes, and must be consistent with the predominate residential character of the property and the surrounding neighborhood. These provisions are intended to allow, within certain reasonable limitations as set out herein, home occupations that do not impose negative impacts on the surrounding area. These provisions are not intended to authorize business uses that are more appropriately suited for commercially zoned areas.
- b. Two (2) levels or types of home occupations are established to recognize the divergent needs of the developing areas of the county from the rural areas of the county.
 - i. Type I home occupations afford the greatest degree of protection to surrounding residents in those areas that are developing and have become more suburban in nature.
 - ii. Type II home Occupations have been established to recognize the greater spaces between residents as well as the types of activities that are similar to those associated with the more traditional agricultural and forestry related activities found in the rural areas.
- c. Type I Home Occupations. Uses for Home Occupation Type I are permitted in the following zoning districts: R-1, R-2, and R-MHP. The uses set out in this Section are representative of uses that may be conducted as Type I home occupations within the limits established in this Ordinance. Uses consistent with those set out in this Section, but not set out herein may be approved administratively through a letter of confirmation from the zoning administrator.
 - i. Art, handicraft, music, writing, photography, or similar studios
 - ii. Computer and home typing services
 - iii. Direct sales product distribution as long as products are directly delivered to the customer and not to the location of the home occupation
 - iv. Dressmaker, seamstress, tailor
 - v. Babysitting (up to five (5) children)
 - vi. Hair cutting and styling consisting (up to one (1) customer chair)
 - vii. Non-principal offices of physician, dentist, veterinarian, insurance agent, real estate or similar profession
 - viii. Offices of accountant, architect, engineer, surveyor, land planner, soil scientist, lawyer, income tax preparer, minister, priest, rabbi, member of a religious order, psychotherapist, counselor, management consultant or similar professional

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- ix. Preparation of food for off-premises catering
 - x. Telephone sales, order-taking, and answering services
 - xi. Tutor
 - xii. Office for a small contractor business, not including storage of equipment except for personal lawn care and similar supplies and equipment typically used and maintained by other residents in the surrounding neighborhood, so as not to change the appearance of the neighborhood
- d. Type II Home Occupations. Uses for home occupation Type II. Type II home occupations are permitted in the following zoning districts: A-1, R-E and R-R. Type 2 home occupations may be permitted in the R-1 and R-2 zoning districts subject to the approval of a conditional use permit. The uses set out in this Section are representative of uses that may be conducted as Type II home occupations within the limits established in this Ordinance. Uses not set out herein may be approved administratively through a letter of confirmation from the zoning administrator:
 - i. All Type I uses
 - ii. Carpentry shop
 - iii. Contractor businesses (with storage of equipment within enclosed building and/or shielded from view from adjacent property and public rights-of-way, and delivery of materials directly to the customer)
 - iv. Electronic sales and service
 - v. Facilities for service and repair of agricultural equipment and incidental sale of parts and supplies
 - vi. Glazier's or painter shop
 - vii. Gunsmith (with a conditional use permit)
 - viii. Heating, plumbing, or air conditioning services (with storage of equipment within enclosed building and/or shielded from view from adjacent property and public rights-of-way)
 - ix. Landscape and horticultural services
 - x. Personal transportation services, including, but not limited to, limousine service, taxi service, medical transportation services, and independent truck driver.
 - xi. Machine shop/metal working provided all is completed in a completely enclosed building
 - xii. Massage, physical therapy
 - xiii. Motor vehicle display for purposes of sale of up to five (5) vehicles per year (no more than one (1) vehicle may be displayed at any time)
 - xiii. Repair of small appliances, small engines and limited machining of small parts, office machines, cameras, and similar small items
 - xiii. Repair or servicing of small internal combustion engines used in lawn mowers, edgers, hedge trimmers, power saws and similar yard maintenance equipment inside enclosed structure

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- xiv. Retail sales of agricultural, craft and woodworking products principally produced on-site
- xv. Taxidermy (with a conditional use permit)
- xvi. Veterinarian (principal) office (with a conditional use permit)
- xvii. Waterman's operation (with on-premises wholesale and retail sale prohibited)
- xviii. Wood working and furniture repair, upholstery and cabinet making
- xix. Motor vehicle repair (with a conditional use permit)

e. Uses Prohibited as Home Occupations....The following uses shall be prohibited as home occupations:

- i. Vehicle or boat body work and/ or painting
- ii. Equipment or vehicle rental
- iii. Seafood or bait sales
- iv. Furniture sales
- v. Funeral director, mortuary or undertaker
- vi. Laboratory shop
- vii. Principal medical or dental office
- viii. Private clubs
- ix. Restaurants
- x. Animal hospitals
- xi. Commercial stables
- xii. Commercial kennels
- xiii. Antique shops
- xiv. Gun shops, commercial sale of firearms
- xv. Bed and breakfast
- xvi. Fortune-teller, including a clairvoyant, a practitioner of palmistry, a phrenologist, a faith healer, a star analyst, a handwriting analyst who attempts to predict the future or any other person who attempts to predict the future
- xvii. Tattoo parlors

f. General Standards for all home occupations

- i. No person shall conduct a home occupation without obtaining the appropriate business license required by law and issued by the Sussex County Commissioner of Revenue.
- ii. The maximum floor area devoted to home occupations shall not exceed twenty-five percent (25%) of the finished floor area of the dwelling unit.
- iii. More than one (1) home occupation may be permitted provided the total floor area used for all home occupations is not exceeded.
- iv. Home occupation permits shall be unique to the applicant and location and shall not be

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- assigned or transferred to any other person or location.
- v.. No dwelling or structure shall be altered, occupied, or used in a manner, which would cause the premises to differ from a character consistent with a residential use. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use is not permitted and will disqualify a use as a home occupation.
- vi. There shall be no outside storage of goods, products, equipment, excluding motor vehicles as permitted by this Ordinance, or other materials associated with the home occupation as indicated herein. No toxic, explosive, radioactive, or other hazardous materials shall be used in conjunction with the home occupation; nor shall such materials be sold or stored on the site.
- vii. The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.
- viii. Off street parking shall be provided as appropriate for the specific nature of the home occupation.
- ix. The home occupation shall not involve the commercial delivery of materials or products to or from the premises. This excludes delivery by the United States Postal Service, Federal Express (FEDEX), United Parcel Service (UPS) or similar delivery services customarily found in residential areas.
- x. The home occupation shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and home occupation is significantly more than is normal to the use of the property for residential purposes.
- xi. No equipment or process shall be used in a home occupation that creates noise in excess of the requirements set forth in the Sussex County Noise Ordinance. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or through common walls.
- xii. No activity in conjunction with a home occupation shall be conducted that adversely impacts or disturbs adjoining property owners.
- xiii. Except as otherwise provided herein, signs are permitted in accordance with article XVI of the Zoning Ordinance. Only one (1) sign shall be permitted regardless of the number of home occupations, and must be setback ten (10) feet from the road as measured from the front property line.
- xiv. All state, federal and local licenses and/or permits shall be obtained prior to commencing such home occupation.
- g. Specific Standards for Type I home occupations.
- i. Home occupations shall be confined to the primary dwelling.
- ii. No one other than permanent residents of the dwelling shall be employed within the dwelling.
- iii. There shall be no on-premises sales and no display or storage of goods, products or

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- equipment.
- iv. No heavy truck or vehicle or piece of equipment having a gross rate carrying capacity of more two (2) tons (1,800 kg) gross weight shall be parked, stored or operated on or from the site in connection with the home occupation.
- v. Customer contact at the premises shall permitted on an appointment basis only.
- vi. Lessons in the applied arts shall be permitted, provided the class size for any lesson does not exceed five (5) students at any one (1) time. Applied arts are arts that apply design and decoration to everyday and essentially practical objects in order to make them aesthetically pleasing including sculpture, architecture, crafts, ceramic art, fashion design, calligraphy, interior design, graphic design and cartographic design.
- vii. Except in the A-1, R-E and R-R districts, no commercial vehicles shall be parked or stored on the premises associated with the home occupation.
- h. . Specific Standards for Type II home occupations.
- i. Storage of goods or products shall not exceed ten percent (10%) of the finished floor area devoted to the home occupation.
- ii. Up to two (2) persons who are not a permanent resident of the dwelling may be engaged or employed in the home occupation.
- iii. An accessory building or structure may be used with the home occupation, provided that the total floor area devoted to the home occupation in the accessory structure and dwelling unit does not exceed thirty percent (30%) of the finished floor area of the dwelling unit. The accessory structure shall be located on the same parcel as the primary dwelling.
- iv. Customer contact on the premises shall be limited to a level that is consistent with and does not impose a negative impacts on other dwellings in the area.
- i. Violations and Enforcement....Failure to comply with the provisions of this Article shall constitute a zoning violation, which may result in misdemeanor penalties and fines, and other remedies, as provided by the Sussex County Zoning Ordinance and state law.

(4) Home occupation, type 2:

(27) Intensive livestock operation/commercial feed lot.

- a. The minimum number of acres on which any new intensive livestock, dairy or poultry facility may be established shall be the larger of either the number of acres required by the nutrient management plan or a minimum of fifty (50) acres for the first three hundred (300) animal units, plus ten (10) acres for each additional three hundred (300) animal units or a portion thereof. (Ord. of 10/16/98)
- b. Existing livestock, dairy and poultry operations in use as of the effective date of this amendment which do not have sufficient acres, as required above, shall be considered non-conforming existing uses and may continue as long as the operation is not

Formatted: Indent: Left: 0"

Formatted: List Paragraph, Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment:
Left + Aligned at: 0.33" + Indent at: 0.58"

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

abandoned for two (2) years continuously and there is no increase in the size or number of livestock, dairy and poultry kept on the parcel at one time and there is no dimension in the size of the parcel of land containing the intensive livestock, dairy and poultry facility. (Ord. of 03/15/95)

- c. Any new intensive livestock, dairy and poultry operations in the A-1 district shall be located at least one thousand five hundred (1,500) feet from any primary street, secondary street, road or highway right-of-way. (Ord. of 10/16/98)
- d. Any new intensive livestock, dairy and poultry operations shall be at least one thousand (1,000) feet from any property line, two thousand (2,000) feet from any residence and three thousand nine hundred sixty (3,960) feet from any school, business, public facility, church, incorporated town, residential subdivision or public well. (Ord. of 10/16/98)
- e. The land application of effluent from any new intensive livestock, dairy and poultry operations shall be at least three hundred (300) feet from any permanent or intermittent stream measuring from the edge of the channel; one hundred (100) feet from property lines not adjacent to streams; five hundred (500) feet from any residence not located on the same property unless the adjacent property owner agrees to a lesser setback distance. In addition, the County may require soil sampling as deemed necessary, for any new intensive livestock, dairy and poultry operations, to ascertain the level of nitrates, potassium, phosphates and any other nutrients in the soil prior to land application of effluent. The signing of an agreement to have effluent land applied will constitute permission to allow random soil sampling testing by the county or its agents. (Ord. of 12/17/98)
- f. Each application for livestock, dairy or poultry operation shall be accompanied by a plat or similar documentation acceptable to the Zoning Administrator for the entire parcel with location of the proposed operation. With this plat or similar documentation the operator shall submit a written statement sworn to and subscribed before a notary public by which the operator certifies to the Zoning Administrator that the operation shown on the plat or similar documentation meets all applicable setback requirements of this ordinance and the plat or similar documentation is a complete and accurate depiction of the facility on the parcel or parcels.
- g. Development plans shall be submitted in accordance with the following:
 - i1. In the A-1, General Agriculture District, a livestock raiser, dairy operator or poultry grower or a potential raiser, owner, grower shall file with the Zoning Administrator a development plan which indicates the number, size and location of livestock, dairy or poultry facilities planned for the subject parcel. When such development plan has been approved and filed with the Zoning Administrator and during the period in which it remains in effect, the planned facilities shall be obliged to meet setbacks only from those dwellings and uses existing at the time the development plan is approved.
 - ii2. The development land shall be based on the requirements of this chapter and shall be accompanied by a plat or similar documentation verifying the accuracy of the distances shown in the development plan and continuing all of the data required herein above.
 - iii3. The development plan shall remain in force only so long as the facilities proposed are constructed in accordance with the development plan and are placed in service in a timely manner.
 - iv4. At least one-third (1/3) of the number of head of livestock or dairy animals, subject to this chapter of the ordinance or one (1) poultry facility indicated in the development plan must be placed into service within twelve (12) months of the date on which the development plan is approved by the Zoning Administrator, unless at least one-third (1/3) of the number of livestock, dairy or one (1) such poultry facility is already in service on the subject parcel at the time of development plan may only be obtained if no more than five (5) years have

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- passed since the date on which the development plan was approved by the Zoning Administrator.
- v5. The operator shall notify the Zoning Administrator in writing within thirty (30) days of placement into service of any facilities indicated in his development plan.
6. In the event an operator fails to build or have in place the minimum number of head indicated in the development plan within twelve (12) months of obtaining zoning approval, or fails to obtain zoning approval for any of the facilities indicated in his development plan within the prescribed five (5) year period the Zoning Administrator shall revoke the development plan and all future development plans of facilities on the subject parcel until they shall strictly conform to the requirements of this chapter.
- v6. Each parcel for which a development plan has been approved by the Zoning Administrator shall display at its entrance a sign no smaller than two (2) square feet, or larger than four (4) square feet, clearly visible from the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words "Certified Intensive Livestock Development Site" (Ord. of 03/15/95)
- h. Nutrient Management Plan required.
- i4. After the effective date of this amendment to the Zoning Ordinance no operation consisting of at least one hundred fifty (150) animal units shall be issued a zoning permit until a nutrient management plan for the proposed facility has been reviewed and approved by the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or other appropriate state agencies. (Ord. of 03/15/95)
- ii2. The nutrient management plan shall provide for the safe disposal of use of all manure, animal waste, produced by each facility. (Ord. of 03/15/95)
- iii3. If off-site disposal is part of the nutrient management plan, the grower, raiser or operator shall provide, as part of the nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the grower's facility. Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes. In addition, when effluent is to be spread on land belonging to a second party the agreement will include notification of the requirement of Section 16-28: Yard Regulations. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The grower shall notify the Zoning Administrator whenever such an agreement is terminated before its stated expiration date within fifteen (15) days of such termination. (Ord. 10/16/98)
- iv4. The nutrient management plan shall also provide for a site, with or without a permanent structure, for the storage of animal wastes which shall meet all applicable requirements and standards of the Commonwealth of Virginia and any department or division thereof. If an operator is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, then the Zoning Administrator, after consultation with the operator's engineer, may permit the storage site to be located on land owned by the operator adjacent to the facility; or, if there is a valid agreement for off-site disposal as provided in the Article, the Zoning Administrator may permit the storage site to be located on a parcel specified in the agreement for such off-site disposal. (Ord. of 03/15/95)
- v5. Notwithstanding the provision of this section, a raiser, operator or grower whose facilities were in operation prior to the effective date of this amendment to the zoning ordinance, in attempting to comply with the requirement to provide a letter storage site within two (2) years from the adoption of this amendment may locate an animal waste storage site within any setback otherwise required in this chapter upon satisfaction that the storage site will not encroach upon setbacks to a great extent

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Indent: Left: 0.5", Hanging: 0.5", No bullets or numbering

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

than the existing facility (Ord. of 03/15/95)

vi. The nutrient management plan unless sooner required by the provisions of this Article or by the Commonwealth of Virginia or any department or division thereof, shall be reviewed and updated every ten (10) years by an agent of the Virginia Department of Conservation and Recreation or by the Virginia Cooperator Extension Service or by a person certified or employed by the Commonwealth as a nutrient management planner.

(28) Kennel, commercial.

- a. Animal waste shall be disposed of in a manner applicable to all federal, state and local laws and regulations.
- b. Crematoria or land burial of animals in association with a commercial kennel shall be prohibited.
- c. Additional standards in the A-1 district:
 - i. The minimum area required for a commercial kennel shall be two (2) acres.
 - ii. All facilities associated directly with the commercial kennel, whether indoors or outdoors, shall be located not less than fifty (50) feet from the nearest property line or two hundred (200) feet from the nearest residence on an adjoining lot, whichever is greater, and shall provide adequate screening.
 - iii. The site shall front on and have direct access to a publicly owned and maintained street.
- d. Additional standards in the B-2 district:.....All outdoor runs, training areas and pens associated with a commercial kennel shall be set back a minimum of ten (10) feet from any property line, and shall provide adequate screening.

(29) Landfill, sanitary.

- a. For sanitary landfill operations the minimum area requirement is two hundred (200) acres. (Ord. of 10/16/98)
- b. Any sanitary landfill operation shall be located at least one (1) mile from any residence, school or business, public facility and church; and at least seven hundred fifty (750) feet from any property lines. (Ord. of 12/20/07)

(30) Livestock market.

- a. A minimum lot area of five (5) acres.
- b. Stock pens and main buildings located at least two hundred (200) feet from any street or highway and at least two hundred (200) feet from any property line existing at the time of application.

(31) Manufactured home, double-wide.

- a. A manufactured home, double-wide may be permanently located on a lot or parcel as permitted by the underlying district. For the purposes of this section, the following shall apply:
 - i. The manufactured home is the only residential structure located on the lot or parcel;
 - ii. The manufactured home has a width of nineteen (19) or more feet;
 - iii. The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5)

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

iv. The exterior siding consists of materials comparable in composition, appearance, and usability to the exterior siding commonly used in standard residential construction;

v. The manufactured home is constructed on a permanent footing that meets the requirements of the building code. The foundation wall shall be a continuous, masonry foundation, unpierced except for required ventilation and access and shall be installed prior to occupancy; and

vi. The tongue, axles, transporting lights, and towing apparatus are removed after placement on the lot and before occupancy.

(32) Manufactured home, single-wide.

a. A manufactured home, single-wide may be permanently located on a lot or parcel as permitted by the underlying zoning district. For the purposes of this section, the following shall apply:

i. The manufactured home is the only residential structure located on the lot or parcel.

ii. The manufactured home is constructed on a permanent footing that meets the requirements of the building code. Skirting may be permitted around the perimeter of the foundation.

iii. The tongue, axles, transporting lights, and towing apparatus are removed after placement on the lot and before occupancy.

(33) Manufactured home, temporary.

a. A manufactured home, single-wide may be allowed as a temporary residence during the construction, repair, or renovation of a permanent residential structure on a single lot or parcel subject to the following:

i. All permits for temporary residences, while repairing a permanent residence shall expire within one (1) year after the date of issuance. No extension shall be considered unless substantial construction has been initiated on the permanent residence. One (1) extension not exceeding ninety (90) days may be granted by the zoning administrator if it is determined that such additional time is required to reasonably complete the construction, repair or renovation of the permanent residence.

ii. All permits issued for temporary residence while constructing a new replacement residence shall expire within two (2) years after the date of issuance. No extension shall be considered unless substantial construction has been initiated on the replacement residence. One (1) extension not exceeding ninety (90) days may be granted by the zoning administrator if it is determined that such additional time is required to reasonably complete the construction, repair or renovation of the replacement residence.

iii. All temporary manufactured homes must be removed at least thirty (30) days after a final certificate of occupancy has been issued.

iv. Only one (1) temporary manufactured home is allowed per parcel.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

(34) Mini-storage facility.

- a. The minimum lot size shall be three (3) acres.
- b. All storage spaces shall be contained in individual enclosed stalls containing no more than four hundred (400) square feet each and no greater than ten (10) feet in height.
- c. The following uses shall be prohibited:
 - i. Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.
 - ii. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
 - iii. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - iv. The storage or transfer of toxic, flammable, or otherwise hazardous chemicals or similar substances, highly combustible, explosive or hazardous materials regulated by local, state, or federal law.
 - v. Residential uses (other than a resident manager's apartment).
 - vi. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, and recreational vehicles only and shall be adequately screened from adjacent residential properties with a solid, vinyl or wooden fence, or masonry wall along the entire length (except for approved access crossings) a minimum of six (6) feet in height.
 - vii. Street-facing property lines shall require a wooden fence or masonry wall along the entire length (except for approved access crossings) a minimum of six (6) feet in height. Said improvements are to be located interior to any required setback. No security fencing, security gate or other obstruction to vehicle access shall be permitted in the required front yard setback or in any required buffer yard.
 - viii. All interior driveways shall be at least twenty-six (26) feet wide when cubicles open onto one (1) side only and at least thirty (30) feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. Adequate turning radiuses shall be provided, where appropriate, for a thirty-foot-long single unit truck or moving van.

(35) Motor vehicle, dealership.

- a. All facilities associated directly with the motor vehicle dealership, whether indoors or outdoors, shall be located not less than the minimum required building setback from the nearest residential use on an adjoining lot and shall be adequately screened.
- b. Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas and shall be clearly delineated by the use of borders around the perimeter of the display area using such material as fences, walls, wooden timbers, brickwork or other similar treatment as approved by the zoning administrator.
- c. Exterior display or storage of new or used automobile parts is prohibited.
- d. All repair services shall take place within an enclosed structure.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

e. Body and fender repair services are permitted provided:

- i. The area devoted to such services does not exceed twenty percent (20%) of the floor area.
- ii. The repair facilities are at least one hundred fifty (150) feet from any adjoining residential uses.
- iii. Any spray painting takes place within a structure designed for that purpose and approved by the department of building inspections.
- iv. Any vehicle awaiting body repair or painting, or is missing major mechanical or body parts, or has been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential use or zoning district.

(36) Motor vehicle, rental.

- a. All facilities associated directly with the motor vehicle rental use, whether indoors or outdoors, shall be located not less than the minimum required building setback from the nearest residential use on an adjoining lot and shall be adequately screened.
- b. Unless otherwise permitted and approved, the conducting of any major repairs, spray paint operation, body or fender repair, or sale of gas shall be prohibited, except that not more than one (1) gasoline pump shall be permitted, but only for the fueling of rental vehicles.
- c. Vehicles shall be stored or parked in areas constructed of the same materials required for off-street parking areas.
- d. When such a use abuts a residential zone, the use shall be screened by a solid vinyl or wooden fence, or masonry wall not less than six (6) feet in height.
- e. Signs, product displays, parked vehicles, and other obstructions that would adversely affect visibility at any intersection or driveway shall be prohibited.
- f. Lighting, including permanent illuminated signs, shall be arranged so as not to reflect or to cause glare into any residential zone.

(37) Motor vehicle repair service, major.

- a. All vehicles stored on the premises in excess of seventy-two (72) hours shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential use or zoning district, and shall be adequately screened.
- b. Body and fender repair services shall be subject to the following:
 - i. The repair facilities are at least one hundred fifty (150) feet from any adjoining residential use or zoning district.
 - ii. Any spray painting takes place within a structure designed for that purpose and approved by the department of building inspections.
 - iii. Any vehicle awaiting body repair or painting, or is missing major mechanical or body parts, or has been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

adjoining residential use or zoning district.

iv. Exterior display or storage of new or used automobile parts is prohibited.

v. Direct access to the property shall be provided from a publicly owned and maintained road, and use of a private road in conducting this business, other than a driveway for sole use of the owner/occupant of the property, shall be prohibited.

(38) Motor vehicle repair service, minor.

a. Exterior display or storage of new or used automobile parts is prohibited.

b. Equipment and vehicles stored overnight on the premises shall be behind the front setback line.

(39) Public maintenance and service facility.

a. Outside storage of materials shall be completely screened from public view, including vehicular storage area.

(40) Public utility, community.

a. Nothing herein shall require a conditional use permit for repair/upgrade of any existing public water and sewer system.

(41) Public utility, neighborhood.

a. Nothing herein shall require a conditional use permit for repair/upgrade of any existing public water and sewer systems.

(42) Railroad yard.

a. All materials stored on the property shall be placed in a storage yard.

b. In considering a conditional use permit request for a railroad yard, the board may consider and set standards for the following:

i. Provisions for screening of any vehicles, equipment, materials and storage yards.

ii. The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height.

iii. Specific measures to control dust on the site.

(43) Recycling center.

a. Where receptacles for recyclable materials are located outside of a building, they shall be located so as to not disrupt or interfere with on-site traffic circulation, required fire lanes or required parking, loading or stacking areas.

b. Specific circulation pattern shall be established to provide safe and easy access to recycling receptacles. Adequate space shall be provided for the unloading of recyclable materials.

c. A regular schedule for picking up recycled materials shall be established and maintained.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

d. The site shall be maintained free of litter.

e. Where receptacles for recyclable materials are located outside of a building, they shall be screened from public view.

(44) Resource extraction.

a. When established as a conditional use, processing and removal of sand, gravel, or stone, stripping of topsoil (but not including stripping of sod), and borrow pits, shall be subject to the following standards:

i. Exemptions.

1. Any operator engaging in mining and disturbing less than one (1) acre of land and removing less than five hundred (500) tons of material at any particular site is exempt from the provisions of this ordinance; providing, however:

a. Excavation or grading when conducted solely in aid of on-site farming or construction.

b. Each person intending to engage in such restricted mining shall submit an application for exemption, a sketch of the mining site and an operations plan to the zoning administrator, who shall approve the application if he determines that the issuance of the permit shall not violate the provisions of this ordinance.

b. Permit required.It shall be unlawful for any person, firm, partnership or corporation to break or disturb the surface soil or rock in order to facilitate or accomplish the extraction or removal of minerals, ores, rock or other solid matter including any activity constituting all or part of a process for the extraction or removal of minerals, ores, rock or other solid matter so as to make them suitable for commercial, industrial, or construction use but does not include those aspects of deep mining not having significant effect on the surface without first obtaining a conditional use permit to do so from the board of supervisors of Sussex County. Nothing herein shall apply to strip mining of coal. Such permits shall not be transferable.

c. Application and procedures.The application shall be signed by the operator and the landowner and when issued shall be issued in the name of the operator and shall not be transferable between operators.

i. If the operator believes changes in his original plan are necessary or if additional land not shown as part of the approved plan of operation is to be disturbed, he shall submit an amended plan of operation, which shall be approved by the board of supervisors in the same manner as an original.

d. The application shall include the following information and attachments:

i. The common name and geologic title, where applicable, of the mineral, ore or other solid matter to be extracted;

ii. A description of the land upon which the applicant proposes to conduct mining operations, which description shall set forth the location of its boundaries and any other description of the land to be disturbed in order that it may be located and distinguished from other lands and easily ascertainable as shown by a map attached thereto showing the amount of land to be disturbed;

iii. The name and address of the owner or owners of the surface of the land;

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- iv. The name and address of the owner or owners of the mineral, ore or other solid matter;
 - v. The source of the operator's legal right to enter and conduct operations on the land to be covered by the permit;
 - vi. The total number of acres of land to be covered by the permit;
 - vii. A reasonable estimate of the number of acres of land that will be disturbed by mining operations on the area to be covered by the permit during the ensuing year;
 - viii. Whether any borrow pit permits of any type are now held by the applicant and the number thereof;
 - ix. Name and address of the applicant, if an individual; the names and addresses of all partners, if a partnership; the state of incorporation and the name and address of its registered agent, if a corporation; or the name and address of the trustee, if a trust;
 - x. If known, where the applicant or any subsidiary or affiliate or any partnership, association, trust or corporation controlled by or under common control with the applicant, or any person required to be identified by subsection 3.i. of this section, has ever had a borrow permit of any type issued under the laws of this or any other state revoked or has ever had a mining or other bond, or security deposit in lieu of bond, forfeited;
- e. The application for a permit shall be accompanied by the minimum number of copies required by the application of an accurate map or plan and meet the following requirements:
 - i. Be prepared by a licensed engineer or licensed surveyor;
 - ii. Identify the area to correspond with the land described in the application;
 - iii. Show adjacent deep mining, if any, and the boundaries of surface properties, with the names of the owners of the affected area which lie within one hundred (100) feet of any part of the affected area;
 - iv. Be drawn to a scale of four hundred (400) feet to the inch or better;
 - v. Show the names and locations of all streams, creeks or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and the utility lines on the area affected and within five hundred (500) feet of such area;
 - vi. Show by appropriate markings the boundaries of the area of land affected, the outcrop of the seam at the surface or deposit to be mined, and the total number of acres involved in the area of land affected;
 - vii. Show the date on which the map was prepared, the north arrow and the quadrangle name;
 - viii. Show the drainage plan on and away from the area of land affected, including the directional flow of water, constructed drainage ways, natural waterways used for drainage and the streams or tributaries receiving the discharge;
 - 1. Provide information delineating the vehicular access to be utilized by the excavation operator and a statement listing the various public streets/highways to be used as haul routes;

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

2. Provide an erosion and sedimentation control plan designed in accordance with all applicable state requirements related to land-disturbing activities;
 3. Provide an estimation of the total number of cubic yards to be excavated;
 4. Provide the proposed date on which excavation operations will commence, the proposed date on which such operation will be completed and the proposed date all required restoration measures will be completed;
 5. The name and address of the operator.
- f. Operations plan required.The application for a permit shall be accompanied by an operations plan in such form and with such accompanying material as the zoning administrator shall require. The operations plan shall describe the specifications for surface grading and restoration, including sketches, delineating placement of spoil, stockpiles and tailing ponds, to a surface that is suitable for the proposed subsequent use of the land after reclamation is completed. The operations plan shall include a provision for reclamation of all land estimated to be affected by the mining operation for which the permit is sought.
- g. Reclamation provision shall be in such form and contain such accompanying material as the zoning administrator shall require and shall state:
- i. The planned use to which the affected land is to be returned through reclamation;
 - ii. Proposed actions to assure suitable reclamation of the affected land for the planned use to be carried out by the applicant. It shall be the policy of the board of supervisors to encourage adoption of productive land use, such as pasture, agricultural use, recreational areas, sanitary landfills, forestry and timberland operations, industrial and building sites, and to consider the general original contour in determining the particular reclamation program for the acreage.
 - iii. The reclamation shall be conducted simultaneously with the mining operation insofar as practicable.
- h. Application processing.The zoning administrator shall transmit the application to the planning commission for consideration by said planning commission. The planning commission shall consider the location of the proposed excavation and the plans accompanying the application. The planning commission shall make its recommendation to the board of supervisors for approval, disapproval or amendment of the application.
- i. Operating and development requirements.
- i. Setbacks for borrow pits and other excavations.The edge of an excavation area for borrow pits and other purposes shall be located at least such distance as to protect adjoining property from collapse, caving or sliding, but in no event shall such excavation areas be less than two hundred (200) feet from adjoining property lines or others.
 - ii. The setback area shall not be used for any purpose during the period of excavation, including overburden and spoil storage, except as access and temporary topsoil storage.
 - iii. Access roads.All access roads shall be constructed so as to intersect as nearly as

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- possible at right angles with public streets and highways and no access road shall intersect any public road at any angle of less than sixty (60) degrees. Where necessary, dust control measures shall be taken.
- iv. Roadside landscape.Existing trees and ground cover along public street frontage shall be preserved for a depth of two hundred (200) feet, maintained and supplemented during the period of excavation, if deemed desirable by board of supervisors with a recommendation from the planning commission. The type, design and spacing of supplementary planting shall be approved by the zoning administrator.
- v. Fencing/gate requirements.The zoning administrator, as herein defined, may require the entire excavation operation to be fenced with gates constructed at all entrances to be kept locked at all times when not in use. The zoning administrator shall determine the type of fencing and gates taking into consideration the activity to be conducted, the location of the site relative to adjoining property owners, degree of development of the surrounding area, visibility of the site as an attractive nuisance, and potential of the site for unauthorized accessibility by the public.
- vi. Restoration requirements and bonding.The site shall be reclaimed in accordance with state standards. An erosion and sediment control bond shall be posted prior to the issuance of a zoning permit for the initial operation. The bond shall be reviewed and renewed annually, based upon the acreage to be disturbed each ensuing year. The bond shall also include the intended measures to cover reclamation of the area to be disturbed annually and shall be reviewed annually.
- vii. Planning commission and board of supervisors.Upon receipt of a reasonable plan of operation as prescribed hereinabove, the zoning administrator shall present the plan to the planning commission for review and the planning commission shall make its recommendation to the board of supervisors. The board of supervisors may issue the permit with or without conditions to ensure compliance with this ordinance unless they find that the applicant has had control or has had common control with a person, partnership, association, trust or corporation which has a borrow pit permit revoked or bond or other security forfeited for failure to reclaim lands as required by the provisions of this ordinance.
- viii. Application for permit; adjoining landowners.In addition to all other notice requirements contained in this ordinance and otherwise required by law, all property owners located within one thousand (1,000) feet of the property line of any land proposed to be permitted shall be notified by first class mail at least ten (10) days prior to the planning commission's public hearing. The zoning administrator shall be responsible for this notification.
- ix. Succession of one (1) operator by another at uncompleted project.Where one (1) operator succeeds another at the uncompleted operation, whether by sale, assignment, lease, merger or otherwise, the board of supervisors may release the first operator from all liability under this ordinance as to that particular operation; provided,

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

however, that the successor operator has been issued a permit and has otherwise complied with the requirements of this ordinance, and the successor operator assumes, as part of his obligation under this ordinance, all liability for the reclamation of the area of land affected by the first operator. No fee, or any portion thereof, paid by the first operator shall be returned to either operator. The permit fee for the successor operator for the area of land permitted by the first operator shall be as prescribed for a new application. The permit for the successor operator shall be valid for the remaining period left on the original permit.

x. Notice of noncompliance served on operator.The zoning administrator may cause a notice of noncompliance to be served on the operator whenever the operator fails to obey any order by the zoning administrator to:

1. Apply the control techniques and institute the actions approved in the operations and reclamation plan;
2. Comply with any required amendments to the operations or reclamation plan;
3. Comply with any other requirement of this ordinance;
4. A copy of the notice shall be delivered to the operator or served by certified mail addressed to the operator at the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to obey the order of the zoning administrator and shall require the operator to comply with the order within a reasonable period of time as fixed by the zoning administrator, following service for the notice. If the operator has not complied with the requirements set forth in the notice of noncompliance within the time limits fixed therein, the board of supervisors shall revoke the permit and declare the forfeiture of the entire bond, which, when collected, shall be used by the County of Sussex in performing reclamation under the provisions of this ordinance.

(45) Salvage yard.

- a. Such facilities shall be screened from view with a solid fence or wall along all property lines six (6) feet in height, except for approved access crossing and utility easements. Said fence or wall shall be located interior to any required buffer or landscape strip and shall present a finished side to the exterior property line(s).
- b. Vehicles shall not be stored or stacked so that they are visible from any adjacent properties.
- c. Tire storage regulations: See supplemental regulations for Tire storage facility.

(46) Sexually-oriented business.

- a. No such regulated use shall be permitted:
 - i. Within two thousand five hundred feet (2,500) of any other existing adult entertainment

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

establishment; and

ii. Within two thousand five hundred feet (2,500) of any residential zoning district;

iii. Within two thousand five hundred feet (2,500) of any of the following uses:

1. Child care institution, child care center, place of religious assembly, or establishment that sells religious articles or religious apparel;
2. Primary or secondary educational facility, and their adjunct play areas; and
3. Community recreation, public parks and recreational areas, or cultural services.

b. The distance for the written notice to adjoining property owners shall be extended to one thousand feet (1,000) for the purposes of this use.

c. The separation and distances specified in this subsection shall be measured from property lines, or in the case of zoning districts, from the outward boundary of that district.

d. Signs and other visible messages. Adult entertainment establishments shall be permitted to have signs and visible messages based on the allowable sign area of the zoning district in which they are located, provided:

i. Signs....Sign messages shall be limited to verbal description of material or services available on the premises.

ii. Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.

iii. Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentations of persons performing or services offered on the premises.

e. Discontinuance of operation. Should a use defined as an adult entertainment establishment cease or discontinue operation for a period of ninety (90) or more consecutive days, it may not resume, nor be replaced by any other adult entertainment establishment unless it complies with the requirements set forth above.

(47) Shipping container.

a. No shipping container shall be used as a residence.

b. Shipping containers may serve as accessory structures to a permitted use in industrial zoning districts and as a conditional use in residential and commercial zoning districts.

c. Shipping containers shall be placed or stored in areas depicted on an approved site plan.

d. The exterior of the shipping container shall be maintained structurally intact.

e. The exterior of a shipping container in residential and commercial districts must be painted in non-reflective, subtle, neutral or earth tones. The use of high intensity colors, metallic colors, black or fluorescent colors are prohibited.

f. Shipping containers must comply with development criteria relating to setbacks for principal buildings in the industrial district where permitted and landscape buffer yards.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- g. Shipping containers shall not be stacked to exceed a total of three (3) containers or thirty-eight (38) feet in height in industrial zoning districts, whichever is less. Stacked containers must comply with the Virginia Statewide Fire Prevention Code, as amended.
- h. Shipping containers must be treated to limit or remove potential exposure to hazardous chemicals. A certification that these conditions have been remedied or are absent is required for new container applications.
- i. No shipping container shall be placed on or otherwise block or restrict access to fire hydrants, fire lanes or required parking spaces.
- j. Shipping containers associated with storage incidental and accessory to a residential primary use on a lot zoned A-1 may be permitted subject to a conditional use permit.
- k. A shipping container may be permitted for use accessory to a bona-fide agricultural farm use provided they are shielded from view from a public road and adjacent residences.

(48) Shooting range, outdoor.

- a. The site or area used as a shooting range or match shall be fenced, posted every fifty (50) feet or otherwise restricted so that access to the site is controlled to insure the safety of patrons, spectators and the public at large.
- b. The county sheriff shall review and make recommendations for the design and layout of any shooting range or match as to its safety to patrons of the range as well as surrounding property owners.
- c. As a general guideline, the following distances shall be maintained unless modified in writing by the county sheriff:
 - i. The minimum distance from any firing point measured in the direction of fire to the nearest property line shall not be less than three hundred (300) feet;
 - ii. Where a backstop is utilized to absorb the discharged load, the minimum distance may be two hundred (200) feet; and
 - iii. No firing point shall be located within one hundred (100) feet of an adjoining property line.
- d. The distance for the written notice to adjoining property owners shall be extended to one thousand feet (1,000) for the purposes of this use.

(49) Stable, private.

- a. One horse or pony shall be allowed per gross acre of land with the maximum number limited to no more than five (5).
- b. Horses or ponies must be maintained within fenced areas located at least ten (10) feet from all adjoining property lines.

(4)(50) Tire storage facility.

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

- a. These requirements are intended to prevent or control fires and explosions by regulating pile volume and location.
- i. Warehouses with an area of more than 250sq meters (2,691 sq ft) used for storage of tires must be equipped with automatic sprinklers that are designed and adequate for the occupancy.
 - ii. Outdoor storage of waste tires shall be restricted to individual piles that do not exceed 5,000 square feet of contiguous area. Pile width shall not exceed 50 feet. Any pile shall not exceed 50,000 cubic feet in volume or 10 feet in height.
 - iii. Open burning, cutting welding or heating devices, and smoking is prohibited in Tire storage facilities. Such facilities shall involve temporary storage (typically ninety (90) days or less) of inoperable motor vehicles.
 - iv. Tire storage piles shall not be located beneath electrical power lines having a voltage in excess of 750 volts or that supply power to fire emergency systems.
 - ~~a-v.~~ An operations and fire safety plan is required to be submitted for review and approval by the Zoning Administrator and Chief of Fire and Rescue.
 - ~~b-vi.~~ Outdoor storage piles shall be completely screened from view from a public road with a solid fence or wall six (6) feet in height, except for approved access crossing and utility easements. Such fence or wall shall be uniform and durable, and shall present a finished side to the exterior property line(s). Such fence shall be properly maintained and located interior to any required buffer or landscape strip.
 - ~~c.~~ vii. No junk, wrecked vehicles or parts thereof shall be collected or stored on the property outside the required fence or in piles more than six (6) feet in height.
 - viii. Such facilities shall be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes or other disease carrying animals and insects.

(51) Towing service storage yard.

- a. Such facilities shall involve temporary storage (typically ninety (90) days or less) of inoperable motor vehicles.
- b. Inoperable, junk, wrecked vehicles shall be completely screened from view with a solid fence or wall six (6) feet in height, except for approved access crossing and utility easements. Such fence or wall shall be uniform and durable, and shall present a finished side to the exterior property line(s). Such fence shall be properly maintained and located interior to vegetative screening materials.
- c. No junk, wrecked vehicles or parts thereof shall be collected or stored outside the required fence or in piles more than six (6) feet in height. 4. With the exception of the removal of tires and rims, the on-site dismantling of vehicles is prohibited, as well as the collection or storage of any material containing or contaminated with dangerous explosives, chemicals, gases, combustible or radioactive substances.
- d. Such facilities shall be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes or other disease carrying animals and insects.

Formatted: Font: (Default) Times New Roman,
Condensed by 0.05 pt

Formatted: Normal, Indent: Left: 1", Hanging: 0.45",
No bullets or numbering

Formatted: Font: (Default) Times New Roman,
Condensed by 0.05 pt

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. PLANNED UNIT DEVELOPMENTS

(52) Wayside stand.

- a. A zoning permit is required for first year's operation.
- b. A wayside stand structure shall not exceed seven hundred fifty (750) square feet in floor area and must be in compliance with the applicable standards of the Virginia Uniform Statewide Building Code.
- c. All permanent structures shall meet the minimum yard setback requirements of the underlying zoning district and shall be located so as to provide safe ingress and egress from public or street rights-of-way.
- d. All wayside stands and related structures shall be considered seasonal or temporary in nature.

Sec. 34-714 thru 34-724. Reserved.

ARTICLE V. VEHICLE PARKING

Sec. 34-725. Purpose.

The vehicle parking provisions below are intended to effectively manage traffic flows and provide for an adequate number of parking spaces for vehicles while creating and maintaining vehicle areas which are safe, attractive, and functional for both pedestrians and motorists.

Sec. 34-726. Number of spaces required.

- (a) Development in all zoning districts shall comply with all of the following requirements and provide the number of off-street vehicle parking spaces required in section XXXX, unless otherwise approved in accordance with section XXXX.
- (b) All off-street parking spaces required to serve buildings or a use erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except as may be otherwise permitted under section XXXXX, satellite parking areas.
- (c) Where fractional spaces result, the parking or loading spaces required shall be construed to be the next highest whole number.
- (d) Parking spaces required on an employee or person basis shall be based on the maximum number of employees/persons on duty or residing, or both, on the premises at any time, or the occupancy load of the building/use, whichever is greater. Overlapping demand for parking spaces at shift changes shall be considered.
- (e) No enlargement of a building, structure or use shall be made in such a way as to reduce the number of existing parking or loading spaces below the minimum number required unless provisions are made elsewhere, as permitted by this ordinance, to replace any required spaces which may have been removed. Additional parking or loading spaces shall be provided to accommodate any additional demand created by such enlargement.

Sec. 34-727. Discretion in administering requirements.

Formatted: Heading 3

Formatted: Font: (Default) Times New Roman, 10 pt,
Not Italic

Formatted: Justified

Formatted: Font: Bold

Formatted: Block 1

Formatted: Block 1, Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:
Left + Aligned at: 0.75" + Indent at: 1"

- CODE OF ORDINANCES

Chapter 34 - ZONING

ARTICLE IV. - PLANNED UNIT DEVELOPMENTS

~~DIVISION 1. - GENERALLY~~

~~Due to the particularities of any given development, the strict application of the number of parking spaces set forth in the table of parking requirements may result in a development either with inadequate parking space or parking spaces far in excess of the needs of the land use or development. Alternative off-street spaces and opportunities for shared parking required may be established by the zoning administrator in accordance with the procedures and criteria set forth below:~~

- ~~(a) The zoning administrator shall require a parking demand and utilization study to be submitted by the applicant, documenting the justification for an alternative number of parking spaces. Such study shall be based upon recognized national studies and resources, such as, but not limited to, the Parking Generation Manual prepared by the Institute of Transportation Engineers.~~
- ~~(b) Such study shall take into consideration potential pedestrian traffic, mass transit, characteristics of the occupants or employees, characteristics of uses for sharing of parking, and other pertinent variables related to the actual demand for parking spaces.~~
- ~~(c) The zoning administrator, based upon this study and other pertinent information, may reduce the number of parking spaces, permit additional spaces, or allow for shared parking under terms and conditions deemed appropriate by the zoning administrator.~~
- ~~(d) The zoning administrator's discretion shall apply only to the number of spaces required for off-street parking and shall not apply to any other requirement for parking areas.~~

Sec. 34-728. General requirements.

- (a) Any parcel of land used as a public parking area and open at least five (5) days per week shall be constructed of concrete, asphalt, or other equivalent permanent dustless surface, except that, in the agricultural district, churches, hunt clubs, lodges, Ruritan and such other civic organizations shall be exempt. The administrator may approve the use of cobblestone, Belgian block, brick, grid pavers, interlocking pavers or similar surface material upon specific request at the time of site plan submission. The administrator may also approve unpaved or gravel parking areas provided that a specific request is submitted in writing at the time of the plan submission.
- (b) Parking lots of 20 spaces or more for public use shall be designed and constructed so that spaces are grouped into bays separated by landscape traffic islands. Such islands and bays shall be designed to provide a clear delineation of circulation patterns, guide vehicular traffic, break large expanses of pavement into sub-areas to improve both the appearance and climate of the parking lot, minimize glare and noise, and delineate safe pedestrian walkways.
 - (1) Sidewalks shall be provided where necessary 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.
 - (2) Appropriate signage shall be provided within such parking areas to insure safe and efficient vehicular circulation.
- (c) Parking areas that are not provided with the type of surface specified in subsection a. of this section shall be graded and surfaced with crushed stone, gravel, crushed shell or other suitable material to provide a surface that is stable, and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices as approved by the zoning administrator. In addition, VDOT may require that if a parking area abuts a paved public street, the entrance leading to the street to be paved for such minimum distance as VDOT may require.

- CODE OF ORDINANCES

Chapter 34 - ZONING

ARTICLE IV. - PLANNED UNIT DEVELOPMENTS

DIVISION 1. - GENERALLY

- (d) Every parking area shall be designed to accommodate vehicle overhang by providing four-foot spacing between the parking spaces and any adjacent property, wall, sidewalk, vegetation other than ground cover, or any other obstruction, or by providing wheel stops in the parking spaces to accommodate for vehicle overhang between the parking spaces and any adjacent property, wall, sidewalk, vegetation other than ground cover, or any other obstruction.
- (e) Any parking area that is adjacent to a road or right-of-way shall provide a landscaped buffer between the parking area and the road or right-of-way.

Sec. 34-729. Lighting.

Outdoor lighting shall be provided at appropriate locations in order to adequately illuminate parking areas and pedestrian and vehicular circulation routes to establishments which will be patronized during non-daylight hours. Any lighting equipment should be designed and arranged so as to direct light and glare away from abutting properties and adjacent rights-of-way. Lighting fixtures and intensity levels shall be compatible with both natural and architectural characteristics of the development.

Sec. 34-730. Handicapped Spaces.

- (a) Parking spaces for the physically handicapped shall be provided and labeled on the plan in accordance with the standards established for the physically handicapped and aged, by the Virginia Uniform Statewide Building Code. Handicapped parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the vehicle parking area located nearest to each primary building entrance.
- (b) Each parking space for the physically handicapped shall be at least eighteen and one-half (18.5) feet in length and sixteen (16) feet in width which includes a loading and unloading area eight (8) feet in width for single spaces and four (4) feet in width for contiguous spaces. Such spaces shall be arranged and dispersed throughout the vehicle parking area so as to provide convenient access to all major entrances of the proposed business or businesses.

Sec. 34-731. Required widths of parking area aisles and driveways.

- (a) Parking area aisle widths shall conform to the following table, which varies the width requirement measured according to the angle of parking:
- | | | | | | |
|------------------------|------------|------------|------------|------------|------------|
| <u>Parking Angle</u> | <u>0°</u> | <u>45°</u> | <u>60°</u> | <u>75°</u> | <u>90°</u> |
| <u>One-Way Traffic</u> | <u>12'</u> | <u>12'</u> | <u>18'</u> | <u>21'</u> | <u>24'</u> |
| <u>Two-Way Traffic</u> | <u>24'</u> | <u>24'</u> | <u>24'</u> | <u>24'</u> | <u>24'</u> |
- (b) Excluding curb offset, driveways shall be not less than ten (10) feet or exceed fifteen (15) feet in width for one-way traffic and less than eighteen (18) feet or exceed thirty (30) feet in width for two-way traffic, except that driveways twelve (12) feet in width are permissible for two-way traffic when all of the following criteria are met:
- The driveway is not longer than fifty (50) feet in length;
 - The driveway provides access to not more than five (5) spaces; and

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. - PLANNED UNIT DEVELOPMENTS
DIVISION 1. GENERALLY

iii. The driveway provides sufficient turning space so that vehicles need not back into a public street or right-of-way.

Sec. 34-732. Drop off and pick up areas.

Uses that typically have regular drop-off and pick-up activities, including but not limited to, day care facilities, adult care facilities, hospitals, clinics, medical facilities, schools, and other uses as determined by the zoning administrator shall provide suitable site design and facilities for such activity. The following factors shall be considered in the approval of such designs:

- (a) The drop-off and pick-up area shall be connected to the main building by a sidewalk.
- (b) Driveways, entrances and exits shall be designed to maximize pedestrian safety.

Sec. 34-733. Table of use types and parking requirements.

Use	Parking Requirement
<u>Abattoir</u>	<u>See schedule A</u>
<u>Adult Day Care Center</u>	<u>1 space per 3 residents, plus 1 space each employee on maximum shift</u>
<u>Adult Day Treatment Facility</u>	<u>1 space per 3 residents, plus 1 space each employee on maximum shift</u>
<u>Agriculture</u>	<u>No requirement</u>
<u>Agricultural Farm Equipment Sales/Service</u>	<u>See schedule A</u>
<u>Agricultural Processing Facility</u>	<u>See schedule A</u>
<u>Agricultural Supply Sales/Service</u>	<u>See schedule A</u>
<u>Airport</u>	<u>See schedule B</u>
<u>Aquaculture</u>	<u>No requirement</u>
<u>Asphalt Plant Facility</u>	<u>See schedule B</u>
<u>Assisted Living Facility</u>	<u>1 space per 3 residents, plus 1 space each employee on maximum shift</u>
<u>Auction Establishment</u>	<u>See schedule B</u>
<u>Battery Storage Facility</u>	<u>See schedule B</u>
<u>Bed and Breakfast</u>	<u>1 space per guest room, plus 2 spaces for owner's unit</u>
<u>Blacksmith</u>	<u>See schedule B</u>
<u>Brewery, Distillery, Cidery</u>	<u>See schedule A</u>
<u>Bus Terminal</u>	<u>See schedule B</u>
<u>Campground</u>	<u>1 space per campsite, plus spaces required for other uses</u>
<u>Carwash</u>	<u>1 space per employee on major shift, plus required stacking spaces</u>
<u>Cemetery</u>	<u>See schedule B</u>
<u>Child Care Center</u>	<u>1 space per employee on major shift, plus 1 space per 20 children, plus 1 space for each vehicle associated with the facility</u>
<u>Church</u>	<u>1 space per 4 seats in principle place of worship</u>
<u>Clinic</u>	<u>3 spaces per examination or treatment room, plus 1 space per employee on major shift including doctors</u>
<u>Club</u>	<u>1 space per 3 persons based on maximum occupancy</u>
<u>Commercial Accessory Apartment</u>	<u>1 additional space</u>

Formatted Table

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. - PLANNED UNIT DEVELOPMENTS
DIVISION 1. GENERALLY

Commercial Indoor Amusement	1 space per 3 persons based on maximum occupancy load
Commercial Indoor Entertainment	1 space per 4 seats or similar accommodations, plus 1 space per 2 employees on maximum shift
Commercial Outdoor Entertainment/Sports and Recreation	Schedule B
Commercial Outdoor Swimming Pool and Tennis Facility	1 space per 100 sq. ft. of water surface, and /or 4 spaces per court
Communication Tower	2 spaces per tower
Community Center	1 space per 250 sq. ft.
Community Recreation	See schedule B
Conservation Area/Nature Preserve	See schedule B
Construction Office Temporary	See schedule A
Construction Sales and Service	See schedule A
Construction Yard	See schedule A
Contractor Office and Storage Facility	See schedule A
Crisis Center	1 space per 2 persons of residential occupancy
Cultural Service	1 space per 300 sq. ft.
Custom Manufacturing	See schedule A
Dwelling, Single-family, Attached or Townhouse	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.25 spaces per 3 bedroom unit 1 visitor space for every 3 units
Dwelling, Single-family, Detached	2 spaces dwelling
Dwelling, Two-family or Duplex	2 spaces per dwelling unit
Dwelling, Multi-family	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.25 spaces per 3 bedroom unit 1 visitor space for every 3 units
Educational Facility, Primary/Secondary	See schedule B, but no less than 1 space per employee on major shift, plus 1 space per 4 students in the 11th and 12th grades
Educational Facility, College/University	See schedule B
Equipment Sales and Service	See schedule A
Event Center	See schedule B
Family Day Home	1 space per non-resident employee
Farmer's Market	1 space per 100 sq. ft., 5 spaces minimum
Flea Market	1 space per 100 sq. ft. of sales area accessible to the public
Funeral Home	1 space per 4 seats in main chapel, plus 1 space per 2 employees on major shift, plus 1 space per company vehicle
Garage Apartment	1 additional space
General Store, Country	1 space per employee, plus 1 space per 200 sq. ft. of building area
Golf Course	50 spaces per 9 holes, plus spaces as required for other uses (Miniature golf: 1.5 spaces per hole)
Governmental Service	3 spaces per 1,000 sq. ft., plus 1 space per vehicle based at facility
Greenhouse, Commercial	See schedule A
Greenhouse, Private	No requirement

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. - PLANNED UNIT DEVELOPMENTS
DIVISION 1. GENERALLY

Group Home	1 space per 2 persons of residential occupancy, plus 1 space per employee on maximum shift
Guest House	1 additional space
Halfway House	1 space per 2 persons of residential occupancy, plus 1 space per employee on maximum shift
Home Occupation, Type 1 & 2	No requirement
Hospital	1 space per 2 beds, plus 1 space per employee on major shift, including doctors
Hotel	1 space per guest accommodation, plus 4 spaces per 50 guest rooms, plus spaces as required for other uses
Industry, Type 1, 2 & 3	See schedule A
Intensive Livestock Operation/Commercial Feedlot	No requirement
Kennel, Commercial	1 space per 500 sq. ft.
Kennel, Private	No requirement
Landfill, Sanitary	See schedule B
Lawn and Garden Services	See schedule A
Life Care Facility	1 space per 3 residents, plus 1 space each employee on major shift
Live/Work Unit	See schedule B
Livestock Market	See schedule B
Manufactured Home, Double-wide (permanent)	2 spaces per dwelling
Manufactured Home, Single-wide (permanent)	2 spaces per dwelling
Manufactured Home, Temporary	2 spaces per dwelling (can be converted for permanent dwelling)
Manufactured Home Park	2 spaces per dwelling
Manufactured Home Sales	2 spaces per manufactured lot
Marina	See schedule B
Medical Facility	See schedule B
Mini-Storage Facility	1 space for each employee, plus 2 spaces for the first 100 storage spaces, plus 1 for each additional 100 storage units or portion thereof
Motor Vehicle, Dealership	See schedule A
Motor Vehicle, Outdoor Storage	See schedule A
Motor vehicle, Parts/Supply Retail	See schedule A
Motor vehicle, Rental	See schedule A
Motor Vehicle Repair Service, Major	2 spaces per service bay, plus 1 space per employee on major shift
Motor Vehicle Repair Service, Minor	1 space per 200 square feet, plus 2 spaces per service bay, plus 1 space per employee on major shift
Mud Bog	See schedule B
Nursing Home	1 space per 3 residents, plus 1 space each employee on major shift
Office/Institution	Financial institution: 1 space per 300 sq. ft., plus required stacking spaces General office: 1 space per 250 sq. ft. Laboratory: 1 space per 1.5 employees on major shift, plus 1 per company vehicle

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. - PLANNED UNIT DEVELOPMENTS
DIVISION 1. GENERALLY

	<u>Medical office: 7 spaces per practitioner, or 1 space per 200 sq. ft., whichever is greater</u>
<u>Park and Ride Facility</u>	<u>No requirement</u>
<u>Planning Mill Facility</u>	<u>See schedule A</u>
<u>Public Maintenance and Service Facility</u>	<u>See schedule A</u>
<u>Public Park or Playground</u>	<u>See schedule B</u>
<u>Public Safety Service</u>	<u>3 spaces per vehicle based at facility</u>
<u>Public Telecommunication Facility</u>	<u>See schedule B</u>
<u>Public Utility, Community</u>	<u>See schedule B</u>
<u>Public Utility, Neighborhood</u>	<u>No requirement</u>
<u>Railroad Yard</u>	<u>See schedule B</u>
<u>Real Estate Office, Temporary</u>	<u>1 space per 300 sq. ft.</u>
<u>Recycling Facility</u>	<u>See schedule A</u>
<u>Rehabilitation Service</u>	<u>1 space per 3 residents, plus 1 space each employee on major shift</u>
<u>Reservoir</u>	<u>No requirement</u>
<u>Resource Extraction</u>	<u>1 space per employee on major shift</u>
<u>Restaurant</u>	<u>1 space per 4 seats, 1 space per 2 employees on major shift, plus required stacking space for drive-thru facilities</u>
<u>Retail Sales</u>	<u>See schedule A</u>
<u>Retail Service</u>	<u>1 space per 300 sq. ft.</u>
<u>Retreat Center</u>	<u>See schedule B</u>
<u>Salvage Yard</u>	<u>See schedule A</u>
<u>Sawmill</u>	<u>No requirement</u>
<u>Sexually-Oriented Business</u>	<u>1 space per 200 sq. ft.</u>
<u>Shipping Container</u>	<u>See schedule A</u>
<u>Shooting Range, Outdoor</u>	<u>See schedule B</u>
<u>Silviculture</u>	<u>No requirement</u>
<u>Solar facility, multi-family shared</u>	<u>No requirement</u>
<u>Solar facility, medium scale</u>	<u>See schedule B</u>
<u>Solar facility, utility-scale</u>	<u>See schedule B</u>
<u>Stable, Commercial</u>	<u>1 space per employee on major shift, plus 1 space for every 4 animals stabled</u>
<u>Stable, Private</u>	<u>No requirement</u>
<u>Tattoo Parlor</u>	<u>1 space per 300 sq. ft.</u>
<u>Taxidermy</u>	<u>See schedule A</u>
<u>Tire Storage Facility</u>	<u>See schedule A</u>
<u>Towing Service Storage Yard</u>	<u>See schedule A</u>
<u>Transfer Station</u>	<u>See schedule B</u>
<u>Truck Stop</u>	<u>See schedule B</u>
<u>Truck Terminal</u>	<u>See schedule B</u>
<u>Veterinary Hospital/Clinic</u>	<u>1 space per 300 sq. ft.</u>
<u>Warehousing and Distribution</u>	<u>See schedule A</u>
<u>Wayside Stand</u>	<u>1 space per 100 sq. ft., 3 spaces minimum</u>
<u>Wholesale Trade</u>	<u>See schedule A</u>

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. - PLANNED UNIT DEVELOPMENTS
DIVISION 1. GENERALLY

Schedule A

Function of Element	Requirement
Office or administrative activity	1 space per 300 sq. ft.
Indoor sales, display or service area	1 space per 400 sq. ft.
Motor vehicle service bay	2 space per service bay
Outdoor sales, display or service area	1 space per 2,000 sq. ft.
General equipment servicing or manufacturing	1 space per 1,000 sq. ft.
Indoor or outdoor storage or warehousing	1 space per 5,000 sq. ft.

Schedule B

Specific requirements shall be determined by the zoning administrator based on requirements for similar uses, location of the proposed use, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information. Determinations of requirements may be appealed to the board of zoning appeals. (7-7-05; 3-20-14; 11-17-16; 7-18-19.)

Formatted: Font: Not Bold

Sec. 34-734. Off-street loading areas.

All off-street loading areas, including aisles and driveways shall be constructed and maintained with a permanent, dustless surface material. Off-street loading areas may be incorporated into the overall design and layout of parking and circulation systems provided that no individual parking spaces will be encroached upon. Vehicles utilizing such loading spaces will not interfere with vehicular circulation on the site or on adjacent public rights-of-way.

Formatted: Font: Not Bold

- (a) Each off-street loading space shall be not less than 12 feet by 50 feet in dimensions with a vertical clearance of not less than 15 feet, including necessary maneuvering space off the street.
- (b) All lighting fixtures used to illuminate off-street loading areas shall be designed and arranged so as to direct light and glare away from abutting properties and adjacent rights-of-way.
- (c) No space designated as off-street parking space shall be utilized as an off-street loading space.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: First line: 0.5"

Sec. 34-735. Fire lanes.

Adequate fire lanes shall be required as deemed necessary by the fire marshal and/or chief of fire and rescue for the access and egress of emergency vehicles. Fire lanes shall be a minimum of 18 feet in width and shall be marked for case of visibility as required by the fire marshal. Numbers and placement of fire lanes shall be in accordance with nationally recognized standards.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

DIVISION 1. GENERALLY

Formatted: Indent: Left: 0.66", Hanging: 0.34"

~~Sec. 34-706. Objectives for planned unit developments.~~

- (a) ~~It shall be the policy of the county to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:~~
- ~~(1) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.~~
 - ~~(2) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.~~
 - ~~(3) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.~~
 - ~~(4) A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.~~
 - ~~(5) A development pattern in harmony with land use density, transportation facilities and community facilities objectives of the comprehensive plan.~~
- (b) ~~The county is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning, provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.~~

~~(Code 1991, § 16-321; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 1)~~

~~Sec. 34-707. Provision governing planned unit developments.~~

~~Because of the special characteristics of planned unit development, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this chapter, the provisions of this article shall prevail for the development of land for planned unit developments. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this chapter.~~

~~(Code 1991, § 16-322; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 2)~~

~~Sec. 34-708. Uses permitted.~~

- (a) ~~Only those uses permitted or conditionally permitted in each district of this chapter may be proposed for development under the planned unit development approach. Compatible residential, commercial, industrial, public and quasi-public uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property and/or the public health, safety and general welfare.~~
- (b) ~~The amount of land devoted to commercial and/or industrial use in a residential-commercial-industrial or residential-commercial development shall be determined by the planning commission and approved by the board of supervisors.~~

~~(Code 1991, § 16-323; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 3)~~

~~Sec. 34-709. Minimum project area.~~

- (a) ~~The gross area of the tract to be developed under the planned unit development approach shall conform to the following schedule:~~

Type of PUD	Minimum Area (Acres)
Residential	20
Commercial	5
Industrial	30
Residential-commercial	30
Commercial-industrial	40
Residential-commercial-industrial	40

- (b) ~~When the planned unit development is a mixture of uses, no more than eight percent of the tract may be devoted to commercial activities, no more than 12 percent of the tract to industrial activities.~~

~~(Code 1991, § 16-324; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 4)~~

~~Sec. 34-710. Project ownership.~~

~~The project land may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.~~

~~(Code 1991, § 16-325; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 5)~~

~~Sec. 34-711. Common open spaces.~~

~~A minimum of ten percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in section 34-712.~~

~~(Code 1991, § 16-326; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 6)~~

~~Sec. 34-712. Disposition of open space.~~

- (a) ~~The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the county and retained as common open space for parks, recreation, and related uses. All land dedicated to the county must meet the planning commissions' requirements as to size, shape and location. Public utility and similar easements and rights-of-way for watercourses and other similar channels are not acceptable for common open space dedication to the county unless such land or right-of-way is usable as a trail or other similar purpose and approved by the planning commission.~~

- (b) ~~The responsibility for the maintenance of all open spaces shall be specified by the development before approval of the final development plan.~~

~~(Code 1991, § 16-327; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 7)~~

~~Sec. 34-713. Utility requirements.~~

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be accepted from this requirement if the planning commission finds that such exemption will not violate the intent or character of the proposed unit development.

(Code 1991, § 16-328; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 8)

~~Secs. 34-714—34-739. Reserved.~~

DIVISION 2. RESIDENTIAL PLANNED UNIT DEVELOPMENTS

~~Sec. 34-740. Generally.~~

Residential planned unit developments may be developed following the provisions of this division.

(Code 1991, § 16-329; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 9)

~~Sec. 34-741. Minimum lot sizes.~~

- (a) ~~Lot area per dwelling unit may be reduced by not more than 60 percent of the minimum lot area required in the official schedule of district regulations. A planned unit development need not conform to the density requirements of article III, divisions 2 through 8 of this chapter. A diversification of lot sizes is encouraged.~~
- (b) ~~Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.~~

(Code 1991, § 16-330; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 10)

~~Sec. 34-742. Lots to abut upon common open space.~~

Every property developed under the planned unit development approach should be designed to abut upon common open space of similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight townhouse units in any contiguous group.

(Code 1991, § 16-331; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 11)

~~Sec. 34-743. Height requirements.~~

For each foot of building height over the maximum height regulations specified elsewhere in this chapter, the distance between such buildings and the side and rear property lines of planned unit development project area shall be increased by a one-foot addition to the side and rear yard required in the district.

(Code 1991, § 16-332; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 12)

~~Secs. 34-744—34-769. Reserved.~~

- CODE OF ORDINANCES
Chapter 34 - ZONING
ARTICLE IV. - PLANNED UNIT DEVELOPMENTS
DIVISION 3. COMMERCIAL PLANNED UNIT DEVELOPMENTS

DIVISION 3. COMMERCIAL PLANNED UNIT DEVELOPMENTS

~~Sec. 34-770. Generally.~~

~~The provisions of this division shall apply to commercial planned unit developments.
(Code 1991, § 16-323; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 13)~~

~~Sec. 34-771. Arrangement of commercial uses.~~

- ~~(a) Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the sides of the development abutting areas occupied or likely to be occupied by residences.~~
- ~~(b) The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.~~
- ~~(c) All area designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the planning commission.
(Code 1991, § 16-334; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 14)~~

~~Sec. 34-772. Parking.~~

~~Off street parking, loading and service areas shall be provided in accordance with divisions 2 through 8 of article III of this chapter. However, off street parking and loading areas shall not be permitted within 15 feet of any residential use.
(Code 1991, § 16-335; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 15)~~

~~Sec. 34-773. Open space.~~

~~Open space gained through the varying of setback and area requirements as established in section 34-711 is to be used for the development of open plazas, pedestrian malls, tot lots and other public spaces and used with adequate arrangement, design and planting.
(Code 1991, § 16-336; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 16)~~

~~Secs. 34-774—34-799. Reserved.~~

DIVISION 4. INDUSTRIAL PLANNED UNIT DEVELOPMENTS

Sec. 34-800. Generally.

The provisions of this division shall apply to industrial planned unit development.

(Code 1991, § 16-337; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 17)

Sec. 34-801. Arrangement of industrial uses.

- (a) ~~Planned unit development of industrial establishments is encouraged by varying the setback and other requirements if it can be shown that the development results in a more efficient and desirable use of land.~~
- (b) ~~Industrial uses and parcels shall be developed in the park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, or docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a complete grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.~~
- (c) ~~Project side yards for 40 feet and a rear yard of 50 feet shall be required if the project is located adjacent to any residential district or residential planned unit development. All intervening spaces between the right-of-way lines and project building line and intervening spaces between buildings, drives, parking area and improved areas shall be landscaped with trees and planting and properly maintained at all times.~~

(Code 1991, § 16-338; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 18)

Sec. 34-802. Permitted uses.

~~Certain types of commercial uses such as restaurants, central secretarial and stenographic pools, or other business service type uses, repair services, or clinics may form a small commercial center to serve the needs of the industries or their personnel may be permitted in an industrial planned unit development as accessory uses.~~

(Code 1991, § 16-339; Ord. of 11-18-1988; Ord. of 4-18-1991(2), § 19)

Secs. 34-~~72514803~~—34-827. Reserved.

ARTICLE VI. SIGNS

Sec. 34-828. Purpose and Intent.

(a) The purpose of these sign regulations is to define, permit, and control the size, material, location, and condition of signs in a manner that, as its first priority, protects those who travel in and through the County. These sign regulations are intended to achieve the following community goals and objectives:

- (1) Protect the health, safety, and welfare of the public;
- (2) Equitably distribute the privilege of using the public environs to communicate private information;
- (3) Safeguard the public use and nature of the streets and sidewalks;
- (4) Protect and enhance the visual environment of the County;
- (5) Discourage the diminishing of property values in the County;

Formatted: Indent: Left: 0.25", No bullets or numbering

- (6) Minimize visual distractions to motorists using the public streets;
- (7) Promote the economic growth of the County by creating a community image that is conducive to attracting new business and industrial development;
- (8) Permit reasonable effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk, density, and area;
- (9) Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, decay, or abandonment;
- (10) Ensure that signs do not obstruct fire-fighting efforts or create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, other vehicles, or traffic signs;
- (11) Promote commerce and trade, with recognition of the effects of signage on the character of the community; and
- (12) The Board of Supervisors finds that the regulations in this Article advance the significant government interests identified herein and are the minimum amount of regulation necessary to achieve those interests.

~~The purpose of this article is to promote and protect the public health, welfare and safety by regulating existing and proposed signs. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstruction that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right of way, provide more open space, and curb the deterioration of the natural environment and enhance community development.~~

~~(Code 1991, § 16-301; Ord. of 11-18-1988; Ord. of 2-21-1991)~~

Sec. 34-829. Administration.

(a) Interpretation, conflict, and severability.

- (1) The regulations set forth in this Article shall apply to all new signs, replacement signs, and their modification(s) established after the effective date of the Ordinance.
- (2) Signs not expressly permitted are prohibited.
- (3) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations of such signs.
- (4) This Article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- (5) Where this Article differs in any manner from the provisions of the Virginia Uniform Statewide Building Code, the County Code, or any other ordinance or regulation of the County, the ordinance, code, or regulation imposing the greatest restriction upon the use of any sign shall control.
- (6) Should any Article, Section, subsection, sentence, clause, or phrase of this Ordinance, for any reason, be held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions hereof. It being the intent of the County of Sussex to enact each Section and portion thereof, individually, and each such Section shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other Section or provision.

(b) Application and permit

Formatted: Section

Created: 2023-12-19 11:51:31 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(1) Sign Permit Required

- a. No sign shall be erected, installed, altered, modified, refaced, re-hung, replaced, or relocated without obtaining a permit pursuant to this Article, except as otherwise provided in this Article.
- b. No permit shall be issued by the Zoning Administrator except upon a determination that a proposed sign is in conformity with the requirements of this Article and, where applicable, in conformity with the requirements of an approved site plan for the property upon which the sign is to be placed. Appeals from decisions of the Zoning Administrator shall be taken to the Board of Zoning Appeals.
- c. More than one sign on one building or group of buildings located on the same parcel of land may be included on one application provided that all such signs are applied for at one time.
- e. After the issuance of an approved sign permit, the applicant may install and display the approved sign(s). Once installed, the Zoning Administrator may inspect the sign(s) for conformance with the approved sign permit and this Ordinance.

(2) An application for such a permit shall:

- a. Specify the type of sign to be constructed and the zoning district in which this sign is to be located.
- b. Be accompanied with plans including a sketch of the property indicating the lot frontage.
- c. Indicate the square footage and location of all existing signs on the property.
- d. The area, size, structure, design, location, lighting, and materials for the sign.
- e. Contain written consent of the owner or lessee of the land or building upon which the sign is to be erected.

(3) Fee Required.

- a. Applications for sign permits shall be submitted to the Zoning Administrator, and shall be accompanied by the required fee, as set forth within the uncodified fee schedule adopted by Board of Supervisors.

(4) Duration and Revocation of Permit.

- a. Any sign permit shall be null and void if any sign for which the permit was issued is not installed in accordance with the permit within six months of the date of approval.
- b. A sign permit shall become null and void if the use to which it pertains is not commenced within six months after the date the sign permit is issued. Upon written request and for good cause shown, the Zoning Administrator may grant one six-month extension.
- c. Whenever the use of a building or land is discontinued by the specific business, the sign permit shall expire and all signs pertaining to that business shall be removed by the property owner within 30 calendar days of the discontinuance.
- d. The Zoning Administrator shall revoke a sign permit if the sign does not comply with applicable regulations of this Article, building code, or other applicable law, regulation, or ordinance.

(c) Special Exceptions.

(1) Comprehensive Sign Plan.

- a. Special exceptions to this Article may be granted in the B-2 and PUD districts as a comprehensive sign plan approved by special use permit. Special exceptions to the maximum height requirements in this Article shall not be permitted.

Created: 2023-12-19 11:51:31 [EST]

b. The Comprehensive Sign Plan is intended to promote consistency among signs within a development and enhance the compatibility of signs with the architectural and site design features within a development.

(2) Contents of Plan.

a. A Comprehensive Sign Plan, which may be a written document or drawings adequate to depict the proposed signs, shall include:

- i. The proposed general locations for freestanding signs on a lot as well as the proposed location(s) for building signs on a building façade.
- ii. Types of signs proposed.
- iii. A listing of materials proposed for all sign structures and sign surfaces.
- iv. The maximum number and maximum size of proposed signs.
- v. The type of illumination, if any, proposed for all signs, including whether internally illuminated or external illuminated and describing the type of light fixture proposed.
- vi. A description of any ornamental structure upon which a sign face is proposed to be placed.

(3) Amendment of Plan.

a. A Comprehensive Sign Plan may be amended by submitting a revised Comprehensive Sign Plan for consideration and determination through the special use permit process. Upon approval, the amended plan shall have the same force and effect as an approved Comprehensive Sign Plan.

(d) Permit Exemptions.

(1) The following signs are exempt from regulation under this article without a zoning permit so long as such signs are located a minimum of ten (10) feet from any property line, are located outside of VDOT right-of-way and are located outside of any service drive, travel lane, adjoining street or other points of ingress or egress:

- a. Signs one (1) square foot or less in area;
- b. Signs erected by a governmental body or required by law;
- c. The changing of message content, including but not limited to the message content on a permitted changeable message sign. See also, non-conforming signs.
- d. Signs up to four (4) square feet and four (4) feet in height, as needed to direct traffic on private property, but bearing no advertising matter, at the discretion of the zoning administrator.
- e. Signs erected upon property warning the public against hunting, fishing, or trespassing thereon.
- f. Seasonal displays or holiday decorations which do not advertise products or services.
- g. Home occupations are allowed one (1) on-premises, unilluminated, freestanding sign per parcel, limited to no more than four (4) square feet in size and four (4) square feet in height and may be located ten (10) feet from a street.
- h. No more than one (1) A-frame sign per unit up to a maximum of ten (10) square feet in size on the sidewalk or other surface immediately adjacent to a building façade for which the promotion, sale or service is located. The sign surface area shall be calculated by using the area of only one (1) side of such sign. The height of the sign shall not

Created: 2023-12-19 11:51:31 [EST]

exceed four (4) feet. Signs shall not reduce required ingress/egress to less than five (5) feet on a sidewalk.

i. Signs which use flags, pennants, balloons, ribbons, streamers, banners, spinners, strings of lights or other similar devices are permitted for a period of five (5) days prior to and not to exceed thirty (30) days from the grand opening of an establishment.

j. On any property for sale or rent, a sign may be placed in accordance with the following criteria:

i. On-premises signs.

1. On-premises signs shall be limited to one (1) sign per lot per street frontage or frontage on navigable waterway.
2. Signs on an individual single-family (attached or detached), two-family parcel shall not exceed four (4) square feet in size and a maximum of four (4) feet in height.
3. Signs on a multi-family parcel shall not exceed thirty-two (32) square feet in size and a maximum of ten (10) feet in height.
4. Signs in agricultural, commercial and industrial zoning districts shall not exceed thirty-two (32) square feet in size and a maximum of ten (10) feet in height. The height of all signs shall represent a measurement from ground level to the top of the sign structure.

ii. Off-premises signs.

1. Off-premises signs shall not be erected for more than three (3) days in a calendar week.
2. Such signs shall be limited to eight (8) square feet in size and a maximum of four (4) feet in height.

k. One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active.

l. Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

m. Window signs, provided the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the windows or doors, including no more than 2 illuminated or neon signs.

n. Recreation/sports facility signs. Signs affixed to the interior or a permanent fence of a recreational or sports facility.

o. Memorial Plaques and Building Cornerstones. Memorial plaques and building cornerstones not exceeding 6 sq. ft. in area and cut or craved into a masonry surface or other noncombustible material and made an integral part of the building or structure.

p. Temporary signs (including flags) for events/non-recurring activities not exceeding 16 sq. ft. in area in all districts, or up to 50 sq. ft. in commercial and industrial districts and erected for not more than thirty (30) consecutive days. Temporary signs for events must be located on the lot which the event is taking place. A maximum of one (1) temporary sign for events is permitted per 25 feet of lot frontage; temporary signs for events may be utilized a maximum of 4 times per calendar year. Temporary signs shall not be included in the computation of permitted sign area.

Created: 2023-12-19 11:51:31 [EST]

- g. Flags up to thirty-two (32) sq. ft. in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way and shall have a setback of one (1) foot horizontally for each foot in height from the base of the pole to any adjoining property line, service drive, travel lane or adjoining street. All such flags shall be mounted in a permanent fashion with no more than two (2) flags on a single pole. No more than three (3) flags may be displayed per parcel. Flags shall be maintained in good repair and shall not constitute a hazard to vehicular or pedestrian traffic.
- r. Murals (commercial and non-commercial)....General standards for murals are as follows:
- i. Murals shall be restricted, by their content, not to threaten the public health, safety, and general welfare of the residents.
 - ii. Murals shall be maintained in good repair, free from peeling paint or damage due to age.
 - iii. Murals that are primarily non-commercial in nature are not subject to the same size restrictions relative to the surface on which they are painted or adhered.
 - iv. Murals that are primarily commercial in nature are subject to the same size restrictions as other commercial signage contained herein.

Sec. 34-830. Prohibited Signs.

- (a) Any sign displayed without complying with all applicable regulations of this article.
- (b) Signs that violate any Federal or State law relating to outdoor advertising.
- (c) Signs that are attached to or utilize utility poles, towers, trees or other natural vegetation/feature are prohibited.
- (d) Signs attached to fences or walls are prohibited unless otherwise specifically allowed by this ordinance.
- (e) Vehicular or trailer signs.
- (f) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a governmental authority. Any such sign is subject to immediate removal and disposal by an authorized county agent or official as a nuisance.
- (g) Any animated sign, flashing sign or signs with intermittent lights or lights of changing degrees of intensity, revolving signs or signs that utilize movement or apparent movement to attract the attention of the public are prohibited. This prohibition shall not apply to electronic signs.
- (h) Any string of lights, either outlining any part of a building or affixed to any ornamental feature thereof, except for seasonal holiday displays.
- (i) Signs, which contain or consist of pennants, balloons, ribbons, streamers, banners, spinners, strings of lights, or other similar moving or stationary devices, are prohibited, unless otherwise specifically allowed by section XXXXX of this ordinance.
- (j) Signs painted directly on a building.
- (k) Signs that emit smoke, flame scent, mist, aerosol, liquid or gas.
- (l) Signs that emit sound.
- (m) Off-premises signs, unless specifically permitted by this chapter.
- (n) Signs erected on public land other than those approved in writing by the appropriate authorized official.
- (o) Neon signs, except in windows.

Formatted: Default Paragraph Font

Created: 2023-12-19 11:51:31 [EST]

- (p) Any sign representing or depicting specified sexual activities or specified anatomical areas or sexually oriented goods.
- (q) Signs extending above the roofline of a structure, building, or parapet wall.
- (r) Any sign or banner within or across a public right-of-way, unless specifically approved by the Virginia Department of Transportation and the Sussex County Board of Supervisors.

Sec. 34-829. Permit required.

- (a) ~~Required.~~ A zoning permit shall be required before a sign is erected, altered or relocated, except as otherwise provided in this article.
- (b) ~~Applications.~~ Each application for such permit shall be accompanied by plans showing the area of the sign; the size, character and design proposed; the method of fastening such sign; the name and address of the sign owner and the sign erector.
- (c) ~~Fees.~~ Fees for such permit shall be in accordance with the schedule of fees as adopted by the board of supervisors.
- (d) ~~Nullification.~~ A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of issuance of the permit.
- (e) ~~Permit exceptions.~~ A permit shall not be required for the following; provided, however, that such signs shall be subject to any and all applicable provisions of this chapter:
- (1) Repainting any sign 12 square feet or less in area, without changing the wording, composition or color, or minor non-structural repairs.
- (2) The changing of the advertising copy or message on an approved painted or printed sign or billboard or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
- (3) Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

(Code 1991, § 16-302; Ord. of 11-18-1988)

Sec. 34-8310. Signs permitted in A-1, R-R, R-E, R-1 and R-2 agricultural and residential districts.

The following requirements shall apply in the designated districts, as appropriate, to permitted "by-right" and conditional uses as may be permitted, subject to all other requirements of this Ordinance. ~~signs are permitted in A-1, R-R, R-E, R-1 and R-2 districts and are regulated by this section:~~

Maximum Sign Dimensions in Agricultural and Residential Districts						
Sign Type	Residential Uses			Non-Residential Uses		
	Number	Area (square feet)	Height (feet)	Number	Area (square feet)	Height (feet)
Freestanding	1 per street frontage; 2 permitted if subdivision entrance	20	15	1 per street frontage	30	15
Wall	Not permitted	N/A		1 per street frontage	30 sf	N/A

Formatted: Indent: First line: 0"

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Created: 2023-12-19 11:51:31 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

- (1) ~~Signs advertising the sale or rental of property located on the subject property but not to exceed four square feet.~~
- (2) ~~Portable signs to be regulated as freestanding signs.~~
- (3) ~~Entrance signs identifying residential subdivisions not to exceed 50 square feet in area.~~
- (4) ~~Temporary real estate or construction signs not to exceed 32 square feet and to be removed at the completion of the project.~~
- (5) ~~Signs for permitted commercial uses in the above stated districts shall be governed by the regulations for the B-1 district.~~

(Code 1991, § 16-303; Ord. of 11-18-1988)

Sec. 34-8321. Signs permitted in ~~the B-1 and B-2~~ commercial and industrial districts.

(

Maximum Sign Dimensions in Commercial and Industrial Districts			
Sign Type	Number	Area square feet = sf linear feet = lf	Height (feet)
Freestanding (1 business)	1 per street frontage	100 sf	20
Freestanding (2+ businesses with coordinated access point(s))	1 per street frontage, per access point	200 sf	20
Freestanding (businesses w/in 1,000 ft of interstate or limited access highway)	1 on- or off- premises sign w/in 1,000 ft of business		
Wall	Unlimited	1.5 sf for every 1 lf of building facade occupied by the tenant; 350 sf maximum	N/A
Projecting (may not project more than 5 feet from building)	1 per street frontage	12	8 ft (min. from average grade to the bottom of the sign)
Canopy	1 per street frontage	.5 sf per lf of canopy fascia on which the sign is mounted	N/A

- a) ~~This section applies to the B-1 and B-2 districts. For permitted commercial uses, total sign area for building-mounted signs of each business shall not exceed in the aggregate 1½ square feet of sign area of each linear foot of the business, provided they are not projecting more than five feet from the building line or extending above the roofline. No such sign area shall exceed 350 square feet. Where frontage is on more than one street, each frontage shall be considered a separate frontage for purposes of this article.~~

Created: 2023-12-19 11:51:31 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

- (b) ~~Freestanding signs not to exceed 100 square feet in area for each building, but in no case shall such sign extend over the street right-of-way or extend higher than 20 feet.~~
- (c) ~~One freestanding sign shall be permitted for each building, except that two freestanding signs are permitted for a development having 150 feet of developed frontage or more.~~
- (d) ~~No more than one freestanding sign shall be permitted for a shopping center, limited in area to 200 square feet and shall not extend higher than 20 feet.~~
- (e) ~~Outdoor advertising signs shall be permitted in a commercial district within 500 feet of an active place of business and shall be at least 300 feet from the nearest existing outdoor advertising sign. All outdoor advertising signs shall comply with the applicable state and federal permitting requirements. The permitted area for outdoor advertising signs shall not exceed 300 square feet. Outdoor advertising shall not exceed 25 feet in height.~~
- (f) ~~Businesses located within 1,000 feet of an interstate or limited access roadway shall be permitted one on-premises freestanding sign as defined by the state department of highways and transportation of unlimited height and area for the purpose of attracting non-local traffic from the interstate or limited access roadway in addition to the permitted freestanding signs.~~

(Code 1991, § 16-304; Ord. of 11-18-1988)

Sec. 34-8332. Measurements and general design standards~~Signs permitted in the I-1 and I-2 districts.~~

(a) Sign area calculation.

(1) The sign area is determined by measuring the entire face of the sign, including any background incidental to its decoration, but excluding support elements for the sole purpose of supporting the sign.

(2) The sign area shall be calculated using the smallest rectangle, circle, or triangle that can enclose the sign face.

a. Rectangle formula: sign area = length x width

b. Circle formula: sign area = πr^2

c. Triangle formula: sign area = $\frac{1}{2}$ x base x height

(3) The surface area of any sign made up only of individual letters or figures shall include the space between such letters or figures.

(4) Whenever one sign contains information of both sides, sign area shall be calculated based on the largest sign face. Faces are not totaled.

(5) In instances where multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

(b) Sign height.

(1) The maximum height for signs shall be as provided in sec. 34-831 and 34-832.

(2) The height of a sign shall be computed as the distance from the base of the sign at average grade to the top of the highest attached component of the sign.

(c) Sign setbacks....Unless otherwise provided for in this chapter, all signs shall be setback a minimum of 10 feet from all property lines, are located outside of VDOT right-of-way and are located outside of any service drive, travel lane, adjoining street or other points of ingress or egress.

Formatted: Indent: First line: 0"

Formatted: Indent: First line: 0.17"

Formatted: Indent: First line: 0"

Formatted: Indent: First line: 0"

Created: 2023-12-19 11:51:31 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

(d) Illumination.

- (1) All permitted signs may be internally or externally lit.
- (2) No sign shall be illuminated in such a way that light may shine into on-coming traffic, affect highway safety or shine directly into a residential dwelling.
- (3) Any electrical sign shall display the required UL, ETL, CSA or ULC label.
- (4) Illumination shall be no greater than 700 nits from sunrise to sunset, or 500 nits from sunset to sunrise and be equipped with automatic brightness control which can dim the display brightness when ambient conditions exist.
- (5) Electric service lines shall be underground.

(e) Electronic signs.

- (1) No more than 50% of the allowable freestanding sign area can be a digital display.
- (2) The background of the sign face of the electronic display cannot be white, off-white, gray or yellow in color.
- (3) The message or copy of the sign cannot move or change more frequently than once every 8 seconds, and the change must be instantaneous – meaning it cannot scroll, flash, etc.
- (4) The electronic display must include a photo cell to control brightness and must automatically dim at sunset.
- (5) Any electronic sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, thereby causing motion, movement, flashing or any other similar effects, shall be repaired, covered, or disconnected by the owner or operator of such sign within 24 hours of notice of violation.
- (6) Electric service lines shall be underground.

(f) Landscaping.....All non-temporary and/or permanent freestanding signs shall be installed with a minimum surround of three (3) feet of regularly maintained floral and shrubbery landscaping in every direction, except interstate or limited access highway signs.

~~This section applies to the I-1 and I-2 districts. For permitted industrial uses, total sign area for building-mounted signs of each business shall not exceed in the aggregate two square feet of sign area for each linear foot of business, provided they are not projecting more than five feet from the building line or extending above the roof line. No such sign area shall exceed 200 square feet. Where frontage is on more than one street, such frontage shall be considered a separate frontage for the purpose of this section.~~

- ~~(b) One freestanding sign shall be permitted for each building, except that two freestanding signs are permitted for a development having 100 feet of developed frontage or more. Freestanding signs are not to exceed 100 square feet in area for each building on the premises, but in no case shall such sign extend over the street right-of-way or higher than 20 feet.~~
- ~~(c) Industries located within 1,000 feet of an interstate or limited access roadway shall be permitted one on-premises freestanding sign as defined by the state department of highways and transportation of unlimited height and area for the purpose of attracting non-local traffic from the interstate or limited access roadway in addition to the permitted freestanding signs.~~
- ~~(d) Outdoor advertising signs shall be setback at least 25 feet from right-of-way or property lines and shall not exceed 25 feet in height.~~
 - ~~(1) There shall be a minimum of 500 feet between outdoor advertising signs.~~

Formatted: Indent: First line: 0"

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

~~(2) The area for outdoor advertising signs shall not exceed 300 feet.~~

~~(3) All outdoor advertising signs shall be subject to other appropriate sections of this chapter and the rules and regulations governing such signs of the state department of transportation.~~

~~(e) The following signs are permitted and are regulated by this section:~~

~~(1) Temporary window signs.~~

~~(2) Permanent window signs, but the area shall be regulated as for building-mounted signs.~~

~~(3) Directional signs on the same property but not to exceed four square feet.~~

~~(4) Portable signs to be regulated as freestanding signs.~~

~~(5) Temporary signs but not to be used for more than 90 consecutive days.~~

~~(6) Flush signs to be regulated as building-mounted signs.~~

~~(7) Temporary real-estate signs or construction signs not to exceed 32 square feet and to be removed at the completion of the project.~~

~~(f) No more than one freestanding sign shall be permitted for a shopping center, limited in area to 100 square feet and shall not extend higher than 50 feet.~~

~~(Code 1991, § 16-305; Ord. of 11-18-1988)~~

~~Sec. 34-833. Signs prohibited in all districts.~~

~~The following signs shall be prohibited in all districts:~~

~~(1) Any sign that violates any provision of any law of the state or federal government.~~

~~(2) Any sign that obscures a sign or signal display by a public authority for the purpose of giving traffic instructions or directions of other public information.~~

~~(3) Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need for requirement of stopping or caution of the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority.~~

~~(4) Any sign of which all or part is in motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere. This shall not apply to the hands of a clock or a weathervane.~~

~~(5) Any non-shielded illumination of a sign within 200 feet of any residential district.~~

~~(6) Any sign that displays flashing or intermittent lights or changing degrees of intensity, brightness or color.~~

~~(7) Any on-premises signs or other on-premises displays for adult entertainment establishments that display lewd or graphic depictions of body parts or acts which are defined in section 34-1.~~

~~(Code 1991, § 16-306; Ord. of 11-18-1988; Ord. of 2-21-1991; Res. of 1-21-1993)~~

Sec. 34-834. Nonconforming signs.

Any sign legally existing at the time of the effective date of this ordinance that does not conform in use, location, height, or size with the regulations of the district in which such sign is located, shall be considered legally

Formatted: Indent: First line: 0"

nonconforming and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations;

- (a) A nonconforming sign shall not be enlarged, nor shall any feature of a nonconforming sign such as, illumination, be increased.
- (b) A nonconforming sign shall not be moved for any distance on the same lot or to any other lot unless:
(1) Such change in location will make the sign meet all current requirements of this article; or
(2) Such change in location is to conform to required setbacks of this chapter.
- (c) The message of a nonconforming sign may be changed so long as this does not create any new non-conformity.
- (c) If such a sign is destroyed or damaged to an extent exceeding 50% of its value prior to the occurrence, it shall not be reconstructed but may be replaced with a sign that meets all current requirements of this article.
- (d) Notwithstanding any contrary provision in this chapter, no nonconforming sign is required to be removed solely by the passage of time.

Signs, other than outdoor advertising signs, which do not conform to the regulations and restrictions prescribed for the zoning district in which they are situated, but which were erected in accordance with all applicable regulations in effect at that time of their erection may remain erected only so long as the then existing use which they advertise or identify remains.

(Code 1991, § 16-307; Ord. of 11-18-1988; Ord. of 2-21-1991)

Sec. 34-835. Maintenance and enforcement~~Appearance of signs.~~

- (a) Appearance of signs.....All signs shall be maintained in good working condition so as to present a neat and orderly appearance. The zoning administrator may cause to be removed any sign which shows gross neglect, which becomes dilapidated, or which has area around it that is not well maintained.
- (b) Maintenance, repair and removal..... If a sign is in violation of this chapter, the owner shall correct such violations and make the sign conform with the provisions of this article, within 10 days of a notice of violation.
(1) If within 10 days the notice of violation is not complied with, the Zoning Administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner of the sign.
(2) Signs in violation may include:
(1) Any that becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Zoning Administrator in consultation with the Building Official; or
(2) Any sign that is unlawfully installed, erected, or maintained in violation of any of the provisions of this chapter.
(3) If a sign presents an imminent and immediate threat to life or property, then the Zoning Administrator may abate, raze, or remove it, and may bring an action against the responsible party to recover the necessary costs incurred for abating, razing, or removing the sign.
- (c) Removal of abandoned signs:
(1) At the discretion of the Zoning Administrator, a sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.

Formatted: Indent: First line: 0"

Formatted: Paragraph 1

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Indent: Left: 1", First line: 0"

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Indent: First line: 0"

Formatted: Indent: Left: 0.5", First line: 0"

Created: 2023-12-19 11:51:32 [EST]

(2) If the owner or lessee fails to remove such sign, the Zoning Administrator shall give the owner a 30-day written notice to remove it.

(3) Upon failure to comply with this notice, the Zoning Administrator may remove the sign at cost to the property owner.

~~(Code 1991, § 16-308; Ord. of 11-18-1988; Ord. of 2-21-1991)~~

Sec. 34-836. Removal of signs.

~~The zoning administrator may order the removal of any sign erected or maintained in violation of this article. He shall give 30 days' notice in writing to the owner of such sign or the building, structure or premises on which such sign is located to remove the sign or to bring it into compliance. Failure to comply shall constitute grounds for the zoning administrator to have the sign removed at cost to the owner.~~

~~(Code 1991, § 16-309; Ord. of 11-18-1988; Ord. of 2-21-1991)~~

Sec. 34-837. Abandoned signs.

~~A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business to which it advertises is no longer on the premises. If the owner or lessee fails to remove it, the zoning administrator shall give the owner 30 days' notice in writing to remove such sign. Failure to comply shall constitute grounds for the zoning administrator to have the sign removed at no cost to the owner.~~

~~(Code 1991, § 16-310; Ord. of 11-18-1988; Ord. of 2-21-1991)~~

Sec. 34-838. Structural requirements.

~~All signs shall meet the structural requirements for the same as set forth in the Uniform Statewide Building Code.~~

~~(Code 1991, § 16-311; Ord. of 11-18-1988; Ord. of 2-21-1991)~~

Formatted: Paragraph 1

Secs. 34-836~~9~~—34-869. Reserved.

ARTICLE VII. COMMERCIAL TOWERS AND ANTENNAS

Sec. 34-870. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative tower structure includes manmade trees, silos, clock towers, bell steeples, light poles, utility poles, buildings and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any apparatus designed for telephonic, data, radio or television communications through the sending and/or receiving of electromagnetic waves.

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height, when referring to a tower or other structure, refers to the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting attic towers, guy towers, or monopole towers. The term "tower" includes television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures and the like.

(Code 1991, § 16-368; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-871. Use regulations for communication towers and antennas.

The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goals of this supplementary regulation are to:

- (1) Encourage the location of towers in nonresidential area and minimize the total number of towers and tower sites throughout the community;
- (2) Encourage strongly the joint use of new and existing tower sites and use of existing utility transmission right-of-way;
- (3) Encourage towers to be located in areas where adverse impact on the community is minimal;
- (4) Encourage users of towers and antennas to locate, design and configure them in a way that minimizes the adverse visual impact of the towers and antennas and makes them compatible with surrounding land uses to the extent possible;
- (5) To provide adequate sites for the provision of wireless communication services with minimal negative impact on the resources of the county;
- (6) Encourage public/private partnerships, where possible, that promote the communications needs of the county, especially fire and emergency rescue services;
- (7) Strongly encourage the use of monopoles and the camouflaging of towers located in or near residential area. This article is intended to comply with all federal and state regulation.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-872. Applicability.

The requirements set forth in this article shall govern the location of towers that exceed, and antennas that are installed at a height greater than, 50 feet.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-873. Existing structures and towers.

The placement of an antenna on or in an existing structure such as a building, sign, light point, utility pole or tower, water tank or other freestanding structure or existing tower or pole shall be permitted without the requirement of a conditional use permit so long as the addition of said antenna shall not add more than 20 feet or 25 percent (whichever is less) to the height of said structure or tower and shall not require additional lighting

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

pursuant to FAA or other applicable requirements. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as the building or equipment is placed within the existing structure or property and is necessary for such use.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-874. General guidelines and requirements.

For the purpose of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed and antennas that are not installed, in accordance with the provisions of this supplementary regulation shall not be deemed to constitute the expansion of a nonconforming use or structure.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-875. Inventory of existing sites.

Each applicant for an antenna and/or tower shall provide to the county an inventory of its existing facilities that are either in the locality or within five miles of the border thereof, including specific information about the location, height, and existing use and available capacity of each tower. The county may share such information with other applicants applying for approvals or a conditional use permit under this supplementary regulation or other organizations seeking to locate antennas within the jurisdiction of the county, provided, however, that the county shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-876. Design and lighting.

The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this article.

- (1) Unless otherwise allowed under the conditions of a conditional use permit, or as a requirement of the Federal Aviation Administration (FAA), all towers shall have a galvanized steel finish. If the FAA requires painting, the applicant must provide documentary evidence from the FAA requiring such painting to the county. Should the applicant request to construct the tower from materials other than galvanized steel, the applicant shall state the reasons for the request in the application, and the applicant shall also furnish the county with photographs, videos, or some other visual sample of the proposed finish.
- (2) Dish antennas shall be of neutral, non-reflective color with no logos.
- (3) At a facility site, the design of the buildings and related structures shall, to the fullest extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
- (4) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- (5) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the county may review the available lighting alternatives and approve the design that would cause the least disturbance to surrounding views.
 - (6) No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
 - (7) Towers shall be designed to collapse within the lot lines or lease area, where appropriate, in case of structural failure.
 - (8) An engineering report, certifying that the proposed tower is compatible for co-location with a minimum of four users, including the primary user, must be submitted. If the tower to be constructed cannot accommodate four users, then a report must be submitted that describes the design limitations for co-location.
 - (9) The use of the proposed tower and any transmission from such tower shall not interfere with other radio, television (cable and commercial) and other telecommunications and/or electronic and electrical transmissions in the area.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-877. Federal requirements.

All towers and antennas must meet or exceed current standard and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate towers and antennas. This requirement includes meeting all regulatory emission standards established by the FCC. The county, at its discretion, may request certification from a licensed professional engineer experienced with the design and operations of towers and antennas that the emissions from the facility will not exceed the maximum permissible exposure (MPE) standard established by the FCC.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-878. Building codes.

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is designed and maintained in compliance with standards contained in the applicable federal, state and local building codes and regulations.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-879. Information required.

Each applicant requesting a conditional use permit from the board shall submit the following:

- (1) A scaled site plan and a scaled elevation view and other support drawings, calculations, and other documentation, signed and sealed by a state-licensed professional engineer, showing the location and dimensions of all improvements, including information concerning topography, zoning, vegetation buffers/screening, tower height requirements, setbacks, access drives, parking, fencing, landscaping and the location of adjacent uses and adjacent buildings.
- (2) A statement justifying the need for the project.
- (3) The applicant shall submit documentary evidence of compliance with all Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) requirements. This includes

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

evidence that the facility will meet or exceed applicable health standards established by the federal government.

- (4) Verifiable evidence from the applicant of the lack of space on suitable existing towers, buildings, or other structures to locate the proposed antenna and/or the lack of space on existing tower sites to construct a second tower to accommodate the proposed antenna. A certified statement from a licensed professional engineer must be provided if radio-frequency interference or signal quality is used as the rationale for eliminating co-location on an existing facility.
- (5) A signed statement from the applicant of the willingness and ability to allow co-location by additional users or to allow the construction of a second tower on the site in question (where appropriate).
- (6) A signed statement from the applicant describing the efforts considered and taken to screen or camouflage the facility and reduce its visual impact. This statement should consider at a minimum design, height, location, and landscaping alternatives.
- (7) A proposed construction schedule.
- (8) A figure depicting the radio frequency coverage (or propagation map) of the proposed facility and all nearby facilities.
- (9) Applicant shall provide at least two actual photographs of the site that include simulated photographic images of the proposed tower. The photographs within the simulated image shall illustrate how the facility will look from adjacent roadways, nearby residences or public buildings such as a school, church, etc. County staff reserves the right to select the location for the photographic images and to require additional images.
- (10) An affidavit must be submitted attesting to the fact that the lease agreement does not prohibit or discourage co-location.
- (11) The county may require other information deemed necessary to assess compliance with this article.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-880. Factors considered in granting a conditional use permit for new towers.

The applicant shall obtain a conditional use permit from the county before erecting towers or antennas covered by the article. The following factors and those described in section 34-1 will be used in determining whether to issue a conditional use permit:

- (1) Height of the proposed towers;
- (2) Proximity of the tower to residential structures, residential districts boundaries and other visually-sensitive facilities such as churches and schools;
- (3) Nature of the uses and impacts of the proposed facility on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) Proposed ingress and egress;
- (8) Co-location policy and efforts to co-locate;
- (9) Consistency with the comprehensive plan and the purposes to be served by zoning;

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- (10) Availability of suitable existing towers and other structures as discussed below;
 - (11) Proximity to private airports;
 - (12) Proposed methods of mitigation for the visual impact of the project, including proposed landscaping or screening; and
 - (13) Communications needs of the county.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-881. Availability of suitable existing towers or other structures.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the county that no existing tower or structure can accommodate the applicant's proposed antenna and that the facility is needed to provide reasonable signal coverage. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-882. Setbacks.

The following setback requirement shall apply to all towers and antennas for which a conditional use permit is required: All towers shall set back from any property line a distance equal to 120 percent of the tower height, and in no event shall any such tower be constructed or erected nearer than 120 percent of the tower height or 500 feet, whichever is greater, to a residential dwelling unit located either on the parcel upon which the tower is proposed or located on an adjoining parcel except for the following: Setbacks from residential dwelling units shall not apply to dwellings constructed subsequent to erection of the tower.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-883. Security fencing.

Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Sec. 34-884. Landscaping.

The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required:

- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the facilities. The applicant may propose offsite landscaping if that better mitigates the visual impacts of the proposed facility. In such cases, a written agreement must be provided, including approval by the owner of the parcel on which the landscaping will be done.
- (2) Existing mature tree growth and existing vegetation on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the county may determine the natural growth around the property's perimeter may be a sufficient buffer.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-885. Local government access.

- (a) Owners of towers shall provide the county co-location opportunities as a community benefit to improve communication for county departments and emergency services.
- (b) The county shall have the right of first refusal to any available co-location space at no cost to the county; provided, however, that the county shall be responsible for placing and maintaining its own equipment.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Sec. 34-886. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of each such antenna or tower (or its successors or assigns) shall remove same within 90 days of receipt of notice from the county notifying the owner of such removal equipment requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower. The county shall require a bond, letter of credit, or other appropriate surety as approved by the county in the amount needed to cover the demolition costs and site restoration costs. The applicant must submit the estimated costs for the demolition and site restoration prior to the issuance of bonds, which will be reviewed and approved by the county. In the event that the bond expires or is not renewed, the conditional use permit may be revoked or terminated by the board.

(Code 1991, § 16-369; Ord. of 11-18-1988; Ord. of 3-16-2000)

Secs. 34-887—34-904. Reserved.

ARTICLE VIII. SOLAR AND BATTERY FACILITIES

Sec. 34-905. Statement of intent.

The purpose of this article is to establish requirements for construction and operation of solar and battery facilities and to provide standards for the placement, design, construction, monitoring, modification, and removal of solar facilities; address public safety, minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.

(Ord. of 2-17-2022, § 16-401)

Sec. 34-906. Applicability.

This article shall apply to all solar and battery facilities constructed after the effective date of the ordinance from which this article is derived, including any physical modifications to any existing solar facilities that materially alter the type, configuration, or size of such facilities or other equipment.

(Ord. of 2-17-2022, § 16-402)

Sec. 34-907. Zoning districts.

- (a) Rooftop and small-scale solar facilities may be installed by right in all zoning districts as an accessory use to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all federal, state, and local regulations have been followed; and the system is located upon the property or structure being served. Rooftop facilities on commercial or industrial buildings shall also submit an engineering study to the building official's office for review and approval.
- (b) Medium-scale solar facilities may be installed by right as an accessory use in the industrial districts to provide electricity for use on-site for commercial and industrial applications; provided a site plan has been submitted to the zoning administrator for review and approval; all federal, state and local regulations have been followed; the system is located on the property or structure to be served; and the system is in accord with the underlying zoning requirements of the districts.
- (c) Solar facilities shall be permitted in zoning districts as follows:

Solar Facility	<i>General Agricultural A-1</i>	<i>Limited Industrial I-1</i>	<i>General Industrial I-2</i>	<i>Residential Multi-Family R-1</i>
Multi-family shared	CUP	CUP	CUP	CUP
Medium-scale	CUP	By right	By right	-
Utility-scale	CUP	CUP	CUP	-

- (d) Battery facilities shall be subject to a conditional use permit and permitted as follows:
- (1) An accessory use to utility-scale solar facilities, other energy generation facilities, or substations; or
- (2) A primary use on a parcel contiguous to utility-scale solar facilities, other energy generation facilities, and substations.

Battery Facility	<i>General Agricultural A-1</i>	<i>Limited Industrial I-1</i>	<i>General Industrial I-2</i>	<i>Residential Multi-Family R-1</i>

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

Primary use	CUP	CUP	CUP	-
Accessory use	CUP	CUP	CUP	CUP

- (e) Solar facilities should locate on brownfields, county-owned capped landfills, or near existing industrial uses, where feasible.

(Ord. of 2-17-2022, § 16-403)

Sec. 34-908. Conditional use permit process.

- (a) *Pre-application meeting.* A pre-application meeting shall be held with the zoning administrator to discuss the location, scale, and nature of the proposed use, what will be expected during that process, and the potential for a siting agreement.
- (b) *Neighborhood meeting.* A public meeting shall be held prior to the public hearing with the planning commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.
- (1) The applicant shall inform the zoning administrator's office and adjacent property owners in writing of the date, time, and location of the meeting at least seven days but no more than 14 days in advance of the meeting date.
 - (2) The date, time, and location of the meeting shall be advertised in the county's newspaper of record by the applicant at least seven days but no more than 14 days in advance of the meeting date.
 - (3) The meeting shall be held within the county at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
 - (4) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback.
 - (5) The applicant shall provide to the zoning administrator a summary of any input received from members of the public at the meeting.
- (c) *Submittal of the permit application and fees.*
- (1) There is a combined application for the 2232 review and CUP permit.
 - (2) There are separate fees for the 2232 review and CUP permit.
- (d) *2232 review.* Code of Virginia, §15.2-2232 requires a review of public utility facility proposals by the planning commission to determine if their general or approximate location, character, and extent are substantially in accord with the comprehensive plan or part thereof.
- (1) The planning commission must determine, at a public meeting, whether the project is in substantial accord with the comprehensive plan. Failure of the planning commission to act within 60 days of submission, unless the time is extended by the board of supervisors, shall be deemed approval.
 - a. If the planning commission approves the 2232 review, the project shall be recommended for a public hearing for the CUP permit.
 - b. If the planning commission does not approve the 2232 review, the applicant may appeal the decision to the board of supervisors within ten days after the decision of the planning commission. The appeal shall be by written petition to the board of supervisors setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

unless the time is extended by the applicant. A majority vote of the board of supervisors shall overrule the planning commission.

- (2) If the board of supervisors agree to negotiate a siting agreement in accordance with Code of Virginia, § 15.2-2316.8, the 2232 review process may be delayed until negotiations are complete. If the siting agreement is approved, it fulfills the requirement for a 2232 review.
- (3) Consideration of the conditional use permit by the planning commission. The planning commission must consider the conditional use permit application at a public hearing. The planning commission has three options:
 - a. Recommend approval of the application to the board of supervisors to include recommendation conditions, if applicable.
 - b. Recommend denial of the application to the board of supervisors with written reasons for its decision.
 - c. Defer the application for further discussion and consideration.
- (4) Consideration of the conditional use permit by the board of supervisors. The board of supervisors must consider the conditional use permit application at a public hearing. The board of supervisors has three options:
 - a. Approve the application to include recommended conditions, if applicable.
 - b. Deny the application with written reasons for its decision.
 - c. Defer the application for further discussion and consideration.
- (5) Siting agreement. The process may also include negotiating a siting agreement in accordance with Code of Virginia, § 15.2-2316.8. The board of supervisors must consider the siting agreement at a public hearing. An approved siting agreement fulfills the requirement for a 2232 review (Code of Virginia, § 15.2-2232).

(Ord. of 2-17-2022, § 16-404)

Sec. 34-909. Conditional use permit application.

Applications for a conditional use permit shall include:

- (1) An application packet including:
 - a. Completed county application form and checklist.
 - b. Documents demonstrating the ownership of the subject parcels.
 - c. Proof that the applicant has authorization to act upon the owner's behalf.
 - d. Identification of the intended utility company who will interconnect to the facility.
 - e. List of all adjacent property owners, their tax map numbers, and addresses.
 - f. A description of the current use and physical characteristics of the subject parcels.
 - g. A description of the existing uses of nearby properties.
 - h. A narrative identifying the applicant, owner, or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.
- i. Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.
 - j. Payment of the application fee and any additional review costs, advertising, or other required staff time.
- (2) Concept plan. A concept plan prepared by an engineer with a professional engineering license in the commonwealth, that shall include the following:
- a. Project title information including tax parcel number, zoning, owner names, addresses, and phone numbers.
 - b. Neighboring property information including tax parcel number, zoning, and owner names.
 - c. Existing wetlands, waterways, and floodplains.
 - d. Locations and types of soils on site.
 - e. Areas of steep slopes.
 - f. Existing and proposed buildings and structures including preliminary locations of the proposed solar panels and related equipment.
 - g. Existing and proposed points of ingress/egress including access roads, drives, turnout locations, and parking.
 - h. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
 - i. Fencing or other methods of ensuring public safety.
 - j. Locations of topsoil to be removed and preserved.
 - k. Locations of stormwater drainage and erosion and sediment control features.
 - l. Setbacks.
 - m. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.
- (3) An estimated construction schedule.
- (4) Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three miles of the proposed project using information provided by the state department of environmental quality (DEQ), the state department of conservation and recreation (DCR), state department of wildlife resources (DWR), state department of historic resources (DHR), and/or a report prepared by a qualified third party, such as ConserveVirginia or Virginia Cultural Resource Information System.
- (5) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the county.
- a. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as

Created: 2023-12-19 11:51:32 [EST]

property lines and roadways, as deemed necessary by the county in order to assess the visual impact of the solar facility.

- b. The total number of simulations and the perspectives from which they are prepared shall be established by the zoning administrator after the pre-application meeting.
- (6) Solar facility inventory. An inventory of all solar facilities, existing or proposed, within a four-mile radius.
- (7) Draft traffic study. The study shall include modelling the construction and decommissioning processes. County staff will review the study in cooperation with the Virginia Department of Transportation (VDOT).
- (8) Draft landscaping plan. The plan shall indicate:
- a. All ground cover, screening and buffering materials, landscaping, and elevations.
 - 1. Ground cover shall be native vegetation where compatible with site conditions.
 - 2. Screening vegetation shall include pollinator plants where compatible with site conditions.
 - 3. Only EPA approved herbicides shall be used for vegetative and weed control at the solar energy facility by a licensed applicator. No herbicides shall be used within 150 feet of the location of an approved groundwater well. The applicant shall submit an herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, and streams, and the distances from land application areas to features such as wells, wetlands, streams, and other bodies of water. The operator shall notify the county prior to application of pesticides and fertilizers. The county reserves the right to request soil and water testing.
 - b. Locations of wildlife corridors.
 - c. Maintenance requirements.
- (9) Draft decommissioning and reclamation plan. A detailed decommissioning and reclamation plan, certified by an engineer, which shall include the following:
- a. The anticipated life of the project. The applicant shall provide the basis for determining the anticipated life of the project.
 - b. The estimated decommissioning and reclamation cost in current dollars. The applicant shall provide a cost estimate for the decommissioning and reclamation of the facility prepared by a professional engineer or contractor who has expertise in the removal of solar facilities. The decommissioning and reclamation cost estimate shall explicitly detail the cost without any reduction for salvage value.
 - c. The method of ensuring that funds will be available for decommissioning and reclamation. A proposed method of providing appropriate escrow, surety, or security for the cost of the decommissioning and reclamation plan. The surety shall be updated when the decommissioning and reclamation cost estimate is updated. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the county unless otherwise provided for in subsection (9)c.4 of this section.
 - 1. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.

Created: 2023-12-19 11:51:32 [EST]

-
2. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the county. The county shall consent to the release of the escrow funds upon the owner's or occupant's compliance with the approved decommissioning and reclamation plan. The county may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
 3. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning and reclamation cost.
 4. The county may approve alternative methods to secure the availability of funds to pay for the decommissioning and reclamation of a solar facility, such as a performance bond, letter of credit, or other security approved by the county.
- d. The method that the estimated cost will be kept current. The decommissioning and reclamation cost estimate shall include a mechanism for calculating increased removal costs due to inflation. This cost estimate shall be recalculated every five years and the surety shall be updated accordingly. If the recalculated estimated cost exceeds the original estimated cost by ten percent, then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost is less than 90 percent of the original estimated cost, then the county may approve reducing the amount of the escrow account to the recalculated estimate of cost.
- e. The manner in which the site will be decommissioned and reclaimed. This will include:
1. Notice to the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
 2. A traffic study submitted with application modelling the decommissioning processes. County staff will review the study in cooperation with VDOT.
 3. An estimated deconstruction schedule.
 4. Removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses.
 5. The site shall be graded and re-seeded or replanted within 12 months of removal of solar facilities to restore it to as natural a pre-development condition as possible. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment. Any exception to site restoration, such as leaving access roads in place or re-seeded or replanted, must be requested by the landowner in writing, and this request must be approved by the board of supervisors.
 6. Hazardous material from the property shall be disposed of in accordance with federal and state law.
- (10) Additional information may be required as determined by the zoning administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, landscaping plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

(Ord. of 2-17-2022, § 16-405)

Sec. 34-910. Minimum development and performance standards.

- (a) *Generally.* A utility-scale solar facility shall be constructed, operated, and maintained in substantial compliance with the approved concept plan with allowances for changes required by the state department of environmental quality (DEQ) permit by rule (PBR) or state corporation commission (SCC) permit process.
- (b) *Location standards for utility-scale solar facilities.* The location standards stated in this subsection for utility-scale solar facilities are intended to mitigate the adverse effects of such uses on adjoining property owners, the area, and the county.
 - (1) The minimum area of a utility-scale solar facility shall be 100 acres or more.
 - (2) The equipment, improvements, structures, and percent of acreage coverage of a utility-scale solar facility shall be shown on the approved concept plan and site plan. The percent of acreage coverage shall not exceed 65 percent.
- (c) *Height.*
 - (1) The maximum height of the lowest edge of photovoltaic panels shall be ten feet as measured from the finished grade. The maximum height of the highest edge of photovoltaic panels shall not exceed 15 feet as measured from the finished grade.
 - (2) The maximum height of other facility structures shall not exceed 15 feet. This limit shall not apply to utility poles or the interconnection to the overhead electric utility grid.
 - (3) The board of supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.
- (d) *Setbacks.* Solar facilities shall meet all setback requirements for primary structures for the zoning district in which the facility is located and the requirements set forth in this subsection (the more restrictive requirements shall apply).
 - (1) The minimum setback of structures and uses associated with the facility, including fencing, PV panels, parking areas, and outdoor storage, but not including landscaping and berming, shall be:
 - a. 150 feet from adjacent property lines.
 - b. 150 feet from all public rights-of-way.
 - c. 300 feet from a dwelling.
 - (2) The planning commission or board of supervisors may require increased setbacks up to 400 feet in situations where the height of structures or the topography affects the visual impact of the facility.
 - (3) These setback requirements shall not apply to internal property lines of those parcels on which a solar facility is located.
 - (4) Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.
 - (5) Vehicular access to the site shall be a minimum of 50 feet from the nearest dwelling located on adjacent property.
- (e) *Buffer.* The buffer shall be located within the setbacks required under this section and shall run around the entire perimeter of the property. The buffer shall be maintained for the life of the facility.
- (f) *Screening.* The facilities, including security fencing that is not ornamental, shall be screened from the ground-level view of adjacent properties or a public street in the buffer zone. Screening may also be required in other locations to screen specific uses or structures. A recommendation that the screening and/or buffer

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

creation requirements be waived or altered may be made by the planning commission when the applicant proposes to use existing wetlands or woodlands to satisfy the screening requirement. The wetlands or woodlands shall be permanently protected as a designated buffer and the overall buffer shall measure at least 150 feet. Screening methods may include:

- (1) *Existing screening.* Existing vegetation, topography, buildings, open space, or other elements located on the site may be considered as part of the required screening. Existing trees and vegetation may be retained within the buffer area except where dead, diseased, or as necessary for development or to promote healthy growth.
- (2) *Vegetative screening.* In the event existing vegetation or landforms providing the screening are inadequate or disturbed, new plantings shall be provided in a landscaped strip at least 50 feet wide. Landscaping intended for screening shall consist of a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs, and wildflowers. Trees intended for screening shall consist of a combination of evergreen and deciduous trees that are five to six feet in height at time of planting. A triple row of trees shall be placed on average at 15 feet on center. A list of appropriate plant materials shall be available at the planning office. Species listed on DCR's invasive plant species list shall not be used.
- (3) *Berming.* Berms shall generally be constructed with a 3:1 side slope to rise ratio, four to six feet above the adjacent grade, with a three-foot-wide top with appropriate pollinator-friendly native plants, shrubs, trees, forbs, and wildflowers. The outside edges of the berm shall be sculpted such that there are vertical and horizontal undulations to give variations in appearance. When completed, the berm should not have a uniform appearance like a dike.
- (4) *Opaque architectural fencing.* Fencing intended for screening shall be at least 75 percent visually solid as viewed on any line perpendicular to the fence from adjacent property or a public street. Such fencing may be used in combination with other screening methods but shall not be the primary method. A typical example is the use of wood privacy fencing and landscaping to screen structures such as substations. Depending on the location, ornamental features may be required on the fence. Fencing material shall not include plastic slats.
- (g) *Security fence.* The facilities shall be enclosed by security fencing not less than six feet in height and topped with barbed wire, as appropriate. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the CUP and the facility's decommissioning.
- (h) *Ground cover.* Ground cover on the site shall be native vegetation and maintained in accordance with the landscaping plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated maintenance shall be posted and maintained. Failure to maintain the ground cover shall result in revocation of the CUP and the facility's decommissioning. The operator shall notify the county prior to application of pesticides and fertilizers. The county reserves the right to request soil and water testing.
- (i) *Access corridors.* The applicant shall identify access corridors for wildlife to navigate through and across the solar facility. The proposed wildlife corridors shall be shown on the site plan submitted to the county. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
- (j) *Support buildings.* The design of support buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and surrounding structures.
- (k) *Maintenance.* The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the county. The project owner shall be responsible for the cost of maintaining the solar facility

and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.

(l) *Inspections.*

- (1) The applicant will allow designated county representatives or employees access to the facility for inspection purposes with 24-hour notice.
- (2) The applicant shall reimburse the county its costs in obtaining an independent third party to conduct inspections required by local and state laws and regulations.

(m) *Design, maintenance of utility-scale facility.* A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state, and federal building codes and regulations that were in force at the time of the permit approval.

(n) *Liability insurance.* The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator.

(o) *Lighting.* Lighting fixtures as approved by the county shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the concept plan and approved by the zoning administrator.

(p) *Signage.* No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

(q) *Noise.* At all times, the solar facility shall comply with the county's noise regulations set forth in chapter 20, article III.

(r) *Coordination of local emergency services.* Applicants for new solar facilities shall coordinate with the county's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

(s) *Decommissioning.*

- (1) Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of six months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the county may require evidentiary support that a longer repair period is necessary.
- (2) The owner or operator shall notify the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
- (3) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the concept plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the landowner in writing, and this request must be approved by the board of supervisors.
- (4) The site shall be re-graded and re-seeded or replanted within 12 months of removal of solar facilities. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment.

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- (5) Decommissioning and reclamation shall be performed in compliance with the approved decommissioning and reclamation plan. The board of supervisors may approve any appropriate amendments to or modifications of the decommissioning plan.
 - (6) Hazardous material from the property shall be disposed of in accordance with federal and state law.
 - (7) If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the county may collect the surety and the county or hired third party may enter the property to physically remove the installation.
- (t) *Additional conditions.* Any other condition may be added by the planning commission or board of supervisors as part of a CUP approval.
- (Ord. of 2-17-2022, § 16-406)

Sec. 34-911. Special provisions for battery facilities.

In addition to the above general provisions, application requirements, and development and performance standards, the following additional requirements shall be met for the approval of a battery energy storage facility:

- (1) Battery energy storage facilities shall be constructed, maintained, and operated in accordance with national industry standards and regulations, including the most current adopted edition of the National Electrical Code, International Fire Code of the International Code Council, and the National Fire Protection Association Fire Code. The batteries will be NFPA (National Fire Protection Agency) complaint. In the event of a conflict between the national industry standards and these conditions, the national industry standards shall control so that as technology advances, updated technology may be used.
- (2) Battery cells shall be placed in a battery energy storage system (BESS) with a battery management system (BMS). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems. Each individual battery shall have 24/7 automated fire detection and extinguishing technology built in. The BMS shall monitor individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and be able to shut down the system before thermal runaway takes place.
- (3) The battery energy storage system will be placed on an appropriate foundation and screened with vegetation outside of environmentally sensitive areas.
- (4) Access to all batteries and electrical switchgear shall be from the exterior for normal operation and maintenance. Access to the container interior shall not be permitted while the system is in operation except for safety personnel and first responders.
- (5) Qualifications and experience from selected developers and integrators shall be provided including disclosure of fires or other hazards at facilities.
- (6) Safety testing and failure modes analysis data from selected developers and manufacturers shall be provided.
- (7) The latest applicable product certifications shall be provided.
- (8) The solar facility operator or owner shall be responsible for any environmental remediation required by the county or the state and the costs of such remediation. All remediation shall be completed in a timely manner.

Created: 2023-12-19 11:51:32 [EST]

Recodification codified through Ordinance No. 2023-01, adopted March 16, 2023

-
- (9) Battery storage shall be developed in collaboration with technical experts and first responders to utilize technology-appropriate best practices for safe energy storage systems, including, but not limited to, the following:
- a. Adequate access/egress for the first responders;
 - b. Adequate facility signage (on battery chemistry and person to contact);
 - c. Accessible safety data sheets;
 - d. System-specific emergency response plans;
 - e. Training for first responders on the type of system, potential hazards and risks, and system-specific emergency response plans;
 - f. Adequate water sources and fire suppression appliances for the firefighters if required in the emergency response plans;
 - g. Signage on hazardous materials present in the vicinity;
 - h. Emergency lighting;
 - i. Separate battery modules to make it easier to isolate a failed battery from the rest;
 - j. Sufficient disconnect and shutdown capability including a master kill switch to disable and discharge batteries;
 - k. System-appropriate sensors and alarms;
 - l. Air ventilation and fire suppression systems;
 - m. Drainage for water runoff; and
 - n. Other practices as recommended by experts or local first responders.
- (10) The solar facility operator or owner shall conduct regular on-site inspections of the battery units and submit a written report to the zoning administrator on their condition, at least once every six months. The solar facility operator or owner shall conduct monthly inspections electronically of the battery units and submit a written report to the zoning administrator.

(Ord. of 2-17-2022, § 16-407)

Sec. 34-912. Special provisions for substations.

In addition to the above general provisions, application requirements, and development and performance standards, the following additional requirements shall be met for the approval of a substation:

- (1) *Siting.* Substations located within the solar facility shall be sited in accordance with these regulations.
- (2) *Term and special permits.* Substations included as part of the solar facility shall have the same term as the solar facility. However, substations may have a life longer than that of the larger solar facility, and, alternatively, may individually and not as part of a solar facility receive a conditional use permit in accordance with these regulations.

(Ord. of 2-17-2022, § 16-408)

Sec. 34-913. Conditions.

- (a) The board of supervisors may consider conditions addressing a proposed solar and/or battery facility, including, but not limited to, the following:
- (1) A solar facility shall be constructed, maintained, and operated in substantial compliance with:
 - a. The development standards under this article.
 - b. The approved concept plan.
 - c. Any other conditions imposed pursuant to a conditional use permit.
 - (2) The board of supervisors may, in its sole discretion, by conditional use permit, waive or modify requirements set out in this article for solar or battery storage facilities, based on unique site conditions, if it finds that such waiver or modification promotes good land use planning and is compatible with surrounding land uses, and as long as the project still otherwise complies with applicable state law and local ordinances.
- (b) Site plan requirements. In addition to all state site plan requirements and site plan requirements of the zoning administrator, the applicant shall provide the following plans for review and approval for the solar facility prior to the issuance of a building permit:
- (1) *Construction management plan.* The applicant shall prepare a construction management plan for each applicable site plan for the solar facility, and each plan shall address the following:
 - a. Traffic control methods (in coordination with the Virginia Department of Transportation (VDOT) prior to initiation of construction):
 1. Lane closures.
 2. Signage.
 3. Flagging procedures.
 - b. Site access planning. Directing employee and delivery traffic to minimize conflicts with local traffic.
 - c. Site security. The applicant shall implement security measures prior to the commencement of construction of solar facilities on the project site.
 - d. Lighting. During construction of the solar facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and/or safety lighting shall be exempt from this construction lighting condition.
 - e. Water supply. In the event that on-site wells are used during construction of the solar energy facility, the applicant shall prepare and submit for review to the county hydrogeologic information necessary for the county to determine the potential impact to pre-existing users for the same aquifer proposed to be used for the solar energy facility and a plan to mitigate impacts to pre-existing users within the area of impact of the project. If the county, in consultation with the department of environmental quality, determines that the installation of a well will not adversely affect existing users, the applicant may proceed with well construction in compliance with approval by the department of environmental quality. At the end of the construction of the solar energy facility, the well shall not thereafter be used except only for personal toilet and lavatory facilities as required by the Uniform Statewide Building Code for operations and maintenance buildings.

-
- (2) *Construction mitigation plan.* The applicant shall prepare a construction mitigation plan for each applicable site plan for the solar facility, and each plan shall address the effective mitigation of dust, burning operations, hours of construction activity, access and road improvements, and handling of general construction complaints as set forth and described in the application materials and to the satisfaction of the zoning administrator. Damage to public roads related to construction activities shall be repaired as soon as possible and not postponed until construction completion. The applicant shall provide written notice to the zoning administrator of the plans for making such repairs, including time within which repairs will be commenced and completed, within 30 days of any written notice received from the zoning administrator.
- a. Driving of posts shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday. Driving of posts shall be prohibited on state and federal holidays. The applicant may request permission from the county administrator to conduct post driving activity on Sunday, but such permission will be granted or denied at the sole discretion of the county administrator.
 - b. Other construction activity on site shall be permitted Monday through Sunday in accordance with the county's noise regulations set forth in chapter 20, article III.
 - c. During construction, the setbacks may be used for staging of materials and parking. No material and equipment laydown area, construction staging area, or construction trailer shall be located within 200 feet of any property containing a residential dwelling.
 - d. Construction lighting shall be minimized and shall be directed downward.
- (3) *Erosion and sediment control plan.* The county will have a third-party review with corrections completed prior to county review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. An erosion and sediment bond (or other security) will be posted for the construction portion of the project. In addition to state and local requirements, the plan shall:
- a. Clearly show existing and proposed contours; and
 - b. Note the locations and amount of topsoil to be removed (if any) and the percent of the site to be graded.
- (4) *Stormwater management plan.* The county will have a third-party review with corrections completed prior to county review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. A stormwater control bond (or other security) will be posted for the project for both construction and post construction as applicable and determined by the zoning administrator.
- (5) *Landscaping plan.* The applicant will submit a final landscaping plan for review and approval by the zoning administrator. The owner or operator shall construct, maintain, and operate the facility in compliance with the approved plan. A separate security shall be posted for the ongoing maintenance of the project's land cover and vegetative buffers in an amount deemed sufficient by the zoning administrator. Failure to maintain the landscaping in accordance with the plan may result in the issuance of a notice of violation by the zoning administrator. The applicant (or the operator) shall promptly communicate with the zoning administrator within 30 days of the date of the notice of violation and submit a plan in writing satisfactory to the zoning administrator to remedy such violation no later than 180 days after the date of the notice of violation. Failure to remedy the violation before the end of the 180-day cure period may result in revocation of the CUP.
- a. Ground cover shall be native vegetation where compatible with site conditions and, in all cases, shall be approved by the zoning administrator.

-
- b. Screening vegetation shall include pollinator plants where compatible with site conditions and, in all cases, shall be approved by the zoning administrator.
 - c. Only EPA approved herbicides shall be used for vegetative and weed control at the solar energy facility by a licensed applicator. No herbicides shall be used within 150 feet of the location of an approved ground water well. The applicant shall submit an herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, and streams, and the distances from land application areas to features such as wells, wetlands, streams and other bodies of water. The operator shall notify the county prior to application of pesticides and fertilizers. The county reserves the right to request soil and water testing.
- (6) *Decommissioning and reclamation plan.* The applicant will submit a final decommissioning and reclamation plan in accordance with these regulations for review and approval by the zoning administrator.
- (7) *Cost reimbursement.* The applicant shall reimburse the county its costs in obtaining independent third-party reviews as required by these conditions.
- (c) The design, installation, maintenance, and repair of the solar facility shall be in accordance with the most current National Electrical Code (NFPA 70) available (2014 version or later as applicable).
 - (d) If the solar facility does not receive a building permit within 18 months of approval of the conditional use permit, the permit shall be terminated.
 - (e) If the solar facility is declared to be unsafe by the zoning administrator or building official, the facility must be in compliance within 14 days or the conditional use permit shall be terminated, and system removed from the property.
 - (f) The owner and operator shall give the county written notice of any change in ownership, operator, or power purchase agreement within 30 days.
- (Ord. of 2-17-2022, § 16-409)

Sec. 34-914. Additional conditions.

- (a) In approving a conditional use permit, the board of supervisors may consider conditions that require:
 - (1) Dedication of real property of substantial value; or
 - (2) Substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such conditions are reasonably related to the project.
 - (b) The board may include other reasonable conditions as permitted by state law and as otherwise provided for in this article.
 - (c) Once a condition is granted, it shall continue in effect until a subsequent amendment changes the zoning on the property for which conditions were granted. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.
- (Ord. of 2-17-2022, § 16-410)