



**Board of Supervisors  
Agenda Summary**

**Meeting Date:** May 9, 2023  
**Item #:** 14  
**Department:** Community Development  
**Staff Contact:** Robert Love  
**Agenda Item:** Zoning Ordinance Amendment

**Summary:**

The Prince Edward County Board of Supervisors requested that staff review all existing County Ordinances and provide updates as necessary in order to comply with the Code of Virginia. Therefore, staff reviewed the existing Prince Edward County Zoning Ordinance as well as researched standards utilized by various rural Counties in their Ordinances and the most recent updates in the Code of Virginia.

At the January and February meetings of the Planning Commission, staff presented a Draft Ordinance with new language and description of development standards. Staff has incorporated all recommendations by the Planning Commission into the Zoning Ordinance Amendment, Attachment (1). Significant changes include: adding new definitions for uses such as private camping, short-term tourist rental, and adjusting setbacks for accessory structures in order to allow for public safety.

The Planning Commission held a public hearing on March 21, 2023, no one spoke and the County has received no correspondence concerning the proposed amendment. The Planning Commission unanimously recommended approval of the Ordinance Amendment.

A public hearing was held at the April regular meeting, where no one spoke concerning the proposed amendment. After Supervisor discussion, the amendment was tabled in order for staff to revise the sections related to Commercial and Non-commercial Kennels. Staff has modified the proposed language to clarify these requirements are for dogs only and reduced setback requirements and clarified that an owner needs only to properly dispose of animal waste. Also addressed in this revision is the clarification of required screening in Section 4-200.15 to remove the word “plantings” due to the fact that this section of the code requires six-foot fence screening. Proposed changes are deemed to be less restrictive and therefore would not require a new public hearing.

**Attachments:**

- 1. Revised Zoning Ordinance Amendment

**Recommendations:**

- 1. Review the Ordinance Amendment and render a decision.

Motion _____	Cooper-Jones _____	Gilliam _____	Pride _____
Second _____	Emert _____	Jenkins _____	Townsend _____
		Jones _____	Watson _____



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**Recommended Motions:**

I move that the Board of Supervisors approve the Ordinance Amendment to amend and re-ordain Appendix B of the Prince Edward County Code (Zoning) in order to define new uses and to adjust setbacks for accessory structures.

**OR**

I move that the Board of Supervisors table the proposed Ordinance Amendment to amend and re-ordain Appendix B of the Prince Edward County Code (Zoning) for further discussion at a work session.

Motion \_\_\_\_\_  
Second \_\_\_\_\_

Cooper-Jones \_\_\_\_\_  
Emert \_\_\_\_\_

Gilliam \_\_\_\_\_  
Jenkins \_\_\_\_\_  
Jones \_\_\_\_\_

Pride \_\_\_\_\_  
Townsend \_\_\_\_\_  
Watson \_\_\_\_\_

## APPENDIX B ZONING<sup>1</sup>

### ARTICLE I. GENERAL PROVISIONS

#### Sec. 1-100. Title and authority.

- (A) This ordinance, and the official zoning map of Prince Edward County, Virginia shall be known and referred to as the Prince Edward County Virginia Zoning Ordinance.
- (B) The county board of supervisors has adopted the provisions of this ordinance pursuant to the declaration of legislative intent contained in Code of Virginia, § 15.2-2200 , and the authority contained in §§ 15.2-2280 and 15.2-2281 .

#### Sec. 1-102. Jurisdiction.

The provisions of this ordinance shall apply to all property within the unincorporated portions of Prince Edward County, Virginia, with the exception that any property held in fee simple ownership by the United States of America or the Commonwealth of Virginia shall not be subject to the provisions of this ordinance. This ordinance shall also apply to property within the Town of Pamplin, Virginia, provided said property lies within the county, and this ordinance is adopted by the Pamplin Town Council as the zoning ordinance of the Town of Pamplin.

#### Sec. 1-104. Purpose.

This ordinance and any amendments hereto, have been adopted for the general purpose of implementing the comprehensive plan of the county, and for the purpose of promoting the health, safety, and/or general welfare of the public. To these ends, this ordinance is designed to give reasonable consideration to each of the following purposes:

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<sup>1</sup>Editor's note(s)—Printed herein is the zoning ordinance, as adopted by the board of supervisors and effective on October 1, 2007. Amendments to the ordinance adopted after October 1, 2007, are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision was included as is in the October 1, 2007 zoning ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. This zoning ordinance replaces the formerly included zoning ordinance that was originally adopted January 8, 1989, and was amended October 8, 1991; April 11, 1995; February 10, 1998; September 10, 2002; December 10, 2002; January 14, 2003; April 8, 2003; and January 10, 2006.

Cross reference(s)—Any ordinance relating to zoning or subdivisions saved from repeal, § 1-8(12); airport safety zoning, § 14-31 et seq.; buildings and building regulations, ch. 18; cemeteries, ch. 26; community development, ch. 34; environment, ch. 46; floods, ch. 54; waterways, ch. 82.

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

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1. Provide for adequate light, air, convenience of access, and safety from fire, flood, crime, and other dangers;
  2. Reduce or prevent congestion in the public streets;
  3. Facilitate the creation of a convenient, attractive and harmonious community;
  4. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
  5. Protect against destruction of, or encroachment upon, historic areas;
  6. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, panic or other dangers;
  7. Encourage economic development activities that provide desirable employment and enlarge the tax base;
  8. Provide for the preservation of agricultural and forestal lands;
  9. Protect approach slopes and other safety areas of licensed heliports and airports;
  10. Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the county;
  11. Protect surface and groundwater resources.

**Sec. 1-106. Effective date.**

This ordinance shall be effective on October 1, 2007.

**Sec. 1-108. Application of regulations.**

- (A) All land uses and activities not specifically provided for or addressed in this ordinance shall be considered uses and activities prohibited within the county unless the administrator finds that the land use or activity is compatible and consistent with the provisions of this ordinance.
- (B) If a land use or activity is deemed by the administrator to be prohibited within the county, that use or activity shall not be permitted within the county.
- (C) Where the standards imposed by this ordinance are more or less restrictive than the standards imposed by any other public regulation, the more restrictive standard shall apply.
- (D) This ordinance shall not apply to, or interfere with, any private covenant. However, if the regulations imposed by this ordinance are more restrictive, or impose a higher standard than the private covenant, then the provisions of this ordinance shall apply.
- (E) All county agencies and officials that have the responsibility to issue permits and licenses pertaining to the construction of buildings or the use of land within the county shall do so only in accordance with the provisions of this ordinance. If a permit or license is issued in conflict with the provisions of this ordinance, the permit or license shall be null and void.

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**Sec. 1-110. Establishment of zoning districts.**

The following zoning districts shall be established within the county. The location of these districts shall be shown on the official zoning map.

**Agricultural districts**

A1 agricultural conservation district

A2 agricultural residential district

**Residential districts**

R1 low density residential district

R2 general residential district

R3 medium density residential district

MHP manufactured home park district

RPC residential planned community district

**Commercial districts**

C1 general commercial district

**Industrial districts**

I1 general industrial district

**Special purpose districts**

CR college residential district

VC village center district

CH cluster housing overlay district

Highway corridor overlay district

(Ord. of 12-10-13)

**Sec. 1-112. Interpretation of district boundaries.**

- (A) If in the opinion of the administrator, uncertainty exists as to the exact location of any zoning district boundary, the administrator shall apply the following rules to determine the location of the boundary:
1. Zoning district boundaries that appear to approximately follow the centerlines of street, rights-of-way or alleys shall be construed to follow such centerlines.
  2. Zoning district boundaries that appear to follow platted lot lines shall be construed as following such platted lot lines except that the zoning designation of any lot shall extend to the center line of any adjacent street, right-of-way or alley. The modification of any platted lot line due to subdivision, re-subdivision, or correction of map errors shall not move or otherwise modify a designated zoning district boundary.
  3. Zoning district boundaries that appear to follow the centerlines of streams and rivers shall be construed as following such centerlines.

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- (B) If the rules contained in (A) above do not provide sufficient certainty to determine the location of a zoning district boundary, the administrator may request the board of zoning appeals interpret the location of the district boundary pursuant to the authority granted by section 5-128.1(D) of this appendix.

## **ARTICLE II. DISTRICT REGULATIONS**

### **Sec. 2-100. A1 agricultural conservation district.**

#### **Sec. 2-100.1. Statement of intent.**

The A1 agricultural conservation district applies to those areas designated as agricultural and forestal on the future land use map of the county comprehensive plan. Agricultural, forestry and related uses are encouraged within A1 districts. Very low-density residential and related uses are allowed in recognition that very low-density residential development can be compatible with agricultural and forestry activities. The A1 district also allows certain limited commercial uses in recognition of the county's historic development patterns.

#### **Sec. 2-100.3. Permitted uses.**

- (A) The following uses are permitted by right in the A1 agricultural conservation district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:

- Agriculture \*
- Commercial feed lots \*
- Distillery \*
- Farm employee housing
- Farm stand
- Farm winery \*
- Forestry operation
- Kenel, Noncommercial**
- Microbrewery \*
- Stable \*

2. Residential use types:

- Accessory apartment \*
- Home occupation \*
- Manufactured home
- Manufactured home, emergency \*
- Private use camping**
- Residential human care facility

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**Short-term tourist rental**

Single family dwelling, detached

Temporary family health care structures \*

Two family dwelling

3. Civic use types:

Administrative services

Camps

Cemetery \*

Clubs \*

Community recreation

Post office

Public parks and recreational areas

Religious assembly

Safety services

4. Office use types:

Medical office

5. Commercial use types:

Agricultural services

Antique shops

Assembly hall

Bed and breakfast \*

Clubs

Equipment sales and rental

Garden center

Hunting preserves

Veterinary hospital/clinic

6. Industrial use types:

(None)

7. **Accessory**/Miscellaneous use types:

Amateur radio tower \*

Utility services, minor

(B) The following uses are permitted by special use permit in the A1 agricultural conservation district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:

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- (None)
2. Residential use types:
- Assisted care residence
  - Dormitories
  - Life care facility
  - Nursing home
3. Civic use types:
- Correction facilities
  - Educational facilities, college/university
  - Educational facilities, primary/secondary
4. Office use types:
- Financial institutions
  - General offices
5. Commercial use types:
- Activities and events associated with distilleries, farm wineries, and microbreweries other than those that are usual and customary for such facilities throughout Virginia. These shall include, but not be limited to:
- (a) Live musical concerts.
  - (b) Festivals, including the display, tasting and sale of alcoholic beverages produced off-site.
  - (c) Other entertainment festivals.
  - (d) Athletic events.
  - (e) Assemblies of more than 100 persons at any one organized event, not including people coming and going for daily tastings and other related, open house type activities.
- ~~Auto dealership, used \*~~
- Auto repair services—Minor
- ~~Automobile rental/leasing~~
- Brewpub \*
- Campgrounds
- Commercial indoor/outdoor sports and recreation
- Commercial outdoor entertainment \*
- Construction camps
- Construction sales and services
- Convenience stores
- Custom manufacturing
- Day care center \*



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Family day care home \*  
Flea market  
Gasoline stations  
Golf course  
Hotel/motel/motor lodge  
Kennel, commercial  
Personal services  
Restaurant  
Retail sales establishment  
**Rural Events Facility**  
Sawmill and woodyard  
Truck yard

6. Industrial use types:  
Meat packing and related industries  
Resource extraction  
Scrap and salvage services
7. **Accessory/Miscellaneous** use types:  
Aviation facilities  
**Mobile Food Establishment**  
Outdoor gathering \*  
Shooting range, outdoor  
Tower \*  
Utility services, major

(Ord. of 10-13-09; Ord. of 12-13-11; Ord. of 6-14-12; Ord. of 11-14-13; Ord. of 3-11-14; Ord. of 9-8-15; Ord. of 11-8-16; Ord. of 9-12-17; Ord. of 1-9-18; Ord. of 2-11-20; Ord. of 1-12-21)

### **Sec. 2-100.5. Site development regulations.**

The following are general development standards for the A1 agricultural conservation district. For additional, modified or more stringent standards see article III, Use and Design Standards.

- (A) *Maximum density and minimum lot area (family divisions exempted **from Maximum Density**).*
1. Maximum density: 0.25 dwelling units per acre
  2. Minimum lot area: 1.5 acres
  3. Frontage: 200 feet on a public street. Lots not having public road frontage shall be served by a 50-foot deeded right-of-way. A maximum of two lots shall be permitted per right-of-way.
- (B) *Minimum setback requirements.*

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1. Principal structure:  
Front yard: 75 feet, if right-of-way is 50 feet or greater in width; 100 feet from the centerline of any right-of-way less than 50 feet in width.

Side yard: 35 feet.

Rear yard: 70 feet.

2. Accessory structures:

Front yard: 75 feet.

Side yard: ~~five~~ 10 feet.

Rear yard: ~~five~~ 10 feet.

(C) *Maximum height of structures.*

1. Principal structures: Unlimited.
2. Accessory structures: Unlimited.

(Ord. of 3-11-14)

## **Sec. 2-200. A2 Agricultural residential district.**

### **Sec. 2-200.1. Statement of intent.**

The A2 agricultural residential district applies to those areas designated as development on the future land use map of the county comprehensive plan. Agricultural, forestry and related uses are allowed within A2 districts. Residential development and related uses are also encouraged as this district is intended to be the location of most new residential development in the county.

### **Sec. 2-200.3. Permitted uses.**

- (A) The following uses are permitted by right in the A2 agricultural residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:

Agriculture \*

Farm employee housing

Farm stand

Forestry operation

Stable \*

2. Residential use types:

Accessory apartment\*

Home occupation \*

Manufactured home

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- Manufactured home, emergency \*
  - Private use camping**
  - Residential human care facility
  - Short-term tourist rental**
  - Single family dwelling, detached
  - Temporary family health care structures \*
  - Two family dwelling
  - 3. Civic use types:
    - Administrative services
    - Camps
    - Cemetery\*
    - Community recreation
    - Educational facilities, college/university
    - Educational facilities, primary/secondary
    - Post office
    - Public assembly
    - Public parks and recreational areas
    - Religious assembly
    - Safety services
  - 4. Office use types:
    - Medical office
  - 5. Commercial use types:
    - Agricultural services
    - Antique shops
    - Assembly hall
    - Bed and breakfast \*
    - Consumer repair services
    - Personal services
    - Studio, fine arts
    - Veterinary hospital/clinic
  - 6. Industrial use types:
    - (None)
  - 7. **Accessory**/Miscellaneous use types:
    - Amateur radio tower \*

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Utility services, minor

(B) The following uses are permitted by special use permit in the A2 agricultural residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:

**Kenel, Noncommercial**

2. Residential use types:

Assisted care residence

Dormitories

Halfway house

Life care facility

Nursing home

Single family dwelling, attached

Townhouse \*

3. Civic use types:

Clubs

Correction facilities

Cultural services

4. Office use types:

Financial institutions

General offices

5. Commercial use types:

Automobile rental/leasing

Automobile repair services—Minor

Campgrounds

Commercial indoor/outdoor sports and recreation

Construction sales and services

Convenience store

Day care center \*

Equipment sales and rental

Family day care home \*

Flea market

Funeral services

Garden center

Gasoline station

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Golf course  
Hotel/motel/motor lodge  
Kennel, commercial  
Mini warehouses \*  
Restaurant  
Retail sales

**Rural Events Facility**

6. Industrial use types:

Asphalt plant \*  
Construction yard  
Custom manufacturing  
Railroad facilities  
Resource extraction  
Scrap and salvage services

7. **Accessory**/Miscellaneous use types:

Aviation facility

**Mobile Food Establishment**

Outdoor gathering \*  
Shooting range, outdoor  
Tower \*  
Utility services, major

(Ord. of 3-11-14; Ord. of 9-8-15; Ord. of 11-8-16)

**Sec. 2-200.5. Site development regulations.**

The following are general development standards for the A2 agricultural residential district. For additional, modified or more stringent standards see article III, Use and Design Standards.

(A) *Minimum lot requirements (~~family divisions exempted~~).*

1. Area: 1.5 acres, or 1.0 acre if served by public sewer.
2. Frontage: 200 feet on a public street. Lots not having public road frontage shall be served by a 50-foot deeded right-of-way. A maximum of two lots shall be permitted per right-of-way.

(B) *Minimum setback requirements.*

1. Principal structure:

Front yard: 75 feet, if right-of-way is 50 feet or greater in width; 100 feet from the centerline of any right-of-way less than 50 feet in width

Side yard: 35 feet.

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Rear yard: 70 feet.

2. Accessory structures:

Front yard: 75 feet.

Side yard: ~~five~~ 10 feet.

Rear yard: ~~five~~ 10 feet.

(C) *Maximum height of structures.*

1. Principal structures: Unlimited.

2. Accessory structures: Unlimited.

(Ord. of 3-11-14)

## **Sec. 2-300. R1 low density residential district.**

### **Sec. 2-300.1. Statement of intent.**

The R1 low density residential district applies to areas of the county suitable for smaller lot residential development. This district is intended to provide a higher degree of protection from uses that are potentially incompatible with single family dwellings.

### **Sec. 2-300.3. Permitted uses.**

(A) The following uses are permitted by right in the R1 low density residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:

Agriculture

Forestry operations

Stable \*

2. Residential use types:

Accessory apartment \*

Home occupation \*

Manufactured home, emergency \*

Residential human care facility

Single family dwelling, detached

Community recreation

3. Civic use types:

Educational facilities—primary/secondary

Public parks and recreation areas

Religious assembly

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- Safety services
4. Office use types:  
(None)
  5. Commercial use types:  
(None)
  6. Industrial use types:  
(None)
  7. Accessory/Miscellaneous use types:  
Amateur radio tower \*  
Utility service, minor
- (B) The following uses are permitted by special use permit in the R1 low density residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.
1. Agricultural use types:  
(None)
  2. Residential use types:  
**Short-term tourist rental**  
Single family dwelling, attached  
Townhouse \*  
Two family dwelling
  3. Civic use types:  
(None)
  4. Office use types:  
(None)
  5. Commercial use types:  
(None)
  6. Industrial use types:  
(None)
  7. Accessory/Miscellaneous use types:  
Tower \*  
Utility service, major

### **Sec. 2-300.5. Site development regulations.**

The following are general development standards for the R1 low density residential district. For additional, modified or more stringent standards see article III, Use and Design Standards.

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(A) *Minimum lot requirements.*

1. Area: 1 acre (~~family divisions exempted~~).
2. Frontage: 125 feet on a public or private street.

(B) *Minimum setback requirements.*

1. Principal structure:

Front yard: 75 feet, if right-of-way is 50 feet or greater in width; 100 feet from the centerline of any right-of-way less than 50 feet in width.

Side yard: 25 feet.

Rear yard: 25 feet.

2. Accessory structures:

Front yard: ~~no requirement.~~ 50 feet

Side yard: ~~no requirement.~~ 10 feet

Rear yard: ~~no requirement.~~ 10 feet

(C) *Maximum height of structures.*

1. Principal structures: 35 feet.
2. Accessory structures: 25 feet.

## **Sec. 2-400. R2 general residential district.**

### **Sec. 2-400.1. Statement of intent.**

The R2 general residential district applies to areas of the county suitable for smaller lot residential development. These areas are served, or have the potential to be served by public water and sewer. Residential is the predominant use in the R2 district. This district is intended to provide a higher degree of protection from uses that are potentially incompatible with single family dwellings.

### **Sec. 2-400.3. Permitted uses.**

(A) The following uses are permitted by right in the R2 general residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:

Agriculture

Forestry operations

Stable \*

2. Residential use types:

Accessory apartment \*

Community recreation

Home occupation \*



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- Manufactured home, emergency \*
  - Residential human care facility
  - Single family dwelling, detached
  - 3. Civic use types:
    - Educational facilities—primary/secondary
    - Public parks and recreation areas
    - Religious assembly
    - Safety services
  - 4. Office use types:
    - (None)
  - 5. Commercial use types:
    - (None)
  - 6. Industrial use types:
    - (None)
  - 7. Miscellaneous use types:
    - Amateur radio tower \*
    - Utility service, minor

(B) The following uses are permitted by special use permit in the R2 general residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

- 1. Agricultural use types:
  - (None)
- 2. Residential use types:
  - Assisted care residence
  - Manufactured home \*
  - Short-term tourist rental**
  - Single family dwelling, attached
  - Townhouse \*
  - Two family dwelling
- 3. Civic use types:
  - (None)
- 4. Office use types:
  - (None)
- 5. Commercial use types:
  - Convenience store

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Family day care home \*

Gasoline station

6. Industrial use types:

(None)

7. Accessory/Miscellaneous use types:

Utility service, major

(Ord. of 12-9-08; Ord. of 3-11-14)

## **Sec. 2-400.5. Site development regulations.**

The following are general development standards for the R2 general residential district. For additional, modified or more stringent standards see article III, Use and Design Standards.

(A) *Minimum lot requirements.*

1. Area: 20,000 square feet (family divisions exempted).
2. Frontage: 75 feet on a public street.

(B) *Minimum setback requirements.*

1. Principal structure:

Front yard: 35 feet, if right-of-way is 50 feet or greater in width; 60 feet from the centerline of any right-of-way less than 50 feet in width.

Side yard: 10 feet.

Rear yard: 15 feet.

2. Accessory structures:

Front yard: ~~no requirement.~~ **35 feet**

Side yard: ~~no requirement.~~ **10 feet**

Rear yard: ~~no requirement.~~ **10 feet**

(C) *Maximum height of structures.*

1. Principal structures: 35 feet.
2. Accessory structures: 25 feet.

## **Sec. 2-500. R3 medium density residential district.**

### **Sec. 2-500.1. Statement of intent.**

The R3 medium density residential district applies to areas of the county suitable for very small lot residential development. These areas are generally served by public water and sewer. Residential development, including multifamily dwellings, is the predominant use in the R3 district.

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**Sec. 2-500.3. Permitted uses.**

(A) The following uses are permitted by right in the R3 medium density residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:  
(None)
2. Residential use types:  
Accessory apartment \*  
Community recreation  
Home occupation \*  
Manufactured home, emergency \*  
Multi-family dwelling \*  
Residential human care facility  
Single family dwelling, attached  
Single family dwelling, detached  
Two family dwelling  
Townhouse \*
3. Civic use types:  
Educational facilities—primary/secondary  
Public parks and recreation areas  
Religious assembly  
Safety services
4. Office use types:  
(None)
5. Commercial use types:  
Family day care home
6. Industrial use types:  
(None)
7. Miscellaneous use types:  
Amateur radio tower \*  
Utility service, minor

(B) The following uses are permitted by special use permit in the R3 medium density residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:

- 
- (None)
  - 2. Residential use types:
    - Assisted care residence
    - Short-term tourist rental**
  - 3. Civic use types:
    - (None)
  - 4. Office use types:
    - (None)
  - 5. Commercial use types:
    - (None)
  - 6. Industrial use types:
    - (None)
  - 7. **Accessory**/Miscellaneous use types:
    - Utility service, major

(Ord. of 3-11-14)

### **Sec. 2-500.5. Site development regulations.**

The following are general development standards for the R3 medium density residential district. For additional, modified or more stringent standards see article III, Use and Design Standards.

(A) *Minimum lot requirements.*

- 1. Area: 10,000 square feet (~~family divisions exempted~~)
- 2. Frontage: 60 feet on a public street

(B) *Minimum setback requirements.*

- 1. Principal structure:
  - Front yard: 35 feet, if right-of-way is 50 feet or greater in width; 60 feet from the centerline of any right-of-way less than 50 feet in width.
  - Side yard: 10 feet.
  - Rear yard: 25 feet.
- 2. Accessory structures:
  - Front yard: ~~no requirement.~~ **35** feet
  - Side yard: no requirement. **10** feet
  - Rear yard: no requirement. **10** feet

(C) *Maximum height of structures.*

- 1. Principal structures: 35 feet.
- 2. Accessory structures: 25 feet.

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## Sec. 2-600. MHP manufactured home park district.

### Sec. 2-600.1. Statement of intent.

The MHP manufactured home park district has been created in recognition that manufactured housing is an important and desired housing option for some county residents. Standards and uses for the MHP district have been designed to reflect standards and uses found in some current manufactured home park communities and to allow the development of new manufactured home communities that offer a desirable living environment.

### Sec. 2-600.3. Permitted uses.

The following uses are permitted by right in the MHP manufactured home park district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:  
(None)
2. Residential use types:  
Home occupation \*  
Manufactured home, emergency \*  
Manufactured home park \*
3. Civic use types:  
(None)
4. Office use types:  
(None)
5. Commercial use types:  
(None)
6. Industrial use types:  
(None)
7. Accessory/Miscellaneous use types:  
Utility services, minor

### Sec. 2-600.5. Site development regulations.

The following are general development standards for the MHP manufactured home park district. For additional, modified or more stringent standards see article III, Use and Design Standards.

- (A) *Minimum lot requirements.*
1. Area: three acres.
  2. Frontage: 300 feet on a public street.

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- (B) *Setback requirements.* Manufactured homes on new individual lots within any new or expanded manufactured home park shall comply with the following minimum requirements:
1. Front yard: 20 feet from any street or driveway interior to the park; 30 feet from any perimeter street or driveway.
  2. Side yard: five feet.
  3. Rear yard: 10 feet.

## **Sec. 2-700. RPC residential planned community district.**

### **Sec. 2-700.1. Statement of intent.**

The intent of the RPC residential planned community district is to encourage maximum flexibility in the design and development of land. RPC developments facilitate the adequate and economical provision of streets, utilities and other improvements, and allow for the management of the natural and scenic qualities of vacant land that is proposed for development. The RPC district allows a variety of housing options, as well as commercial, civic and office use types of a number and scale sufficient to serve the needs of the RPC residents.

### **Sec. 2-700.3. Permitted uses.**

- (A) Applications for RPC districts may propose any residential, civic, and/or commercial use type as part of a planned unit district. All land uses proposed shall be shown on the preliminary and final master plans as required by section 2-700.7 of this ordinance.
- (B) All use types proposed shall be reviewed by the commission and board of supervisors. No use type may be allowed within the RPC district unless approved by the board of supervisors as part of the final master plan.

### **Sec. 2-700.5. Development regulations.**

- (A) Each RPC shall be subject to the following development standards.
1. Maximum gross density: Maximum gross density allowable in the RPC shall be established by the board of supervisors by approval of the final master plan.
  2. Minimum common open space and/or recreational areas: 15 percent of the gross area of the RPC.  
*Criteria for all required open space:*
    - (a) Minimum countable open space: 5,000 contiguous square feet.
    - (b) Minimum horizontal dimension: 50 feet, except that areas with a horizontal distance of not less than 20 feet shall be counted as open space provided such areas contain facilities such as, but not limited to, bikeways, exercise trails, tot lots, gazebos, picnic tables, etc.
    - (c) Common open space shall not include proposed street rights-of way, open parking areas, or driveways.
    - (d) All common open space and/or recreational areas shall be of an appropriate nature and location to serve the residents of the RPC district.
  3. The maximum area devoted to civic, office and commercial use types shall be established by the board of supervisors by approval of the final master plan.

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4. Commercial and office uses types shall be located, and shall be of a scale and location suitable to serve the needs of the residents of the RPC district.
  5. Commercial, office, and civic use types shall be screened and landscaped so as to be compatible with adjoining residences.
  6. Construction of commercial, office and civic use types shall not begin until 20 percent of the residential units of the total RPC have been completed.

Minimum setback requirements shall be specifically established during the review and approval of the preliminary and final master plans. The following guidelines shall be used in establishing the building spacing and setbacks:

- (a) Building spacing shall provide privacy within each dwelling unit;
  - (b) Building spacing shall ensure that each room has adequate light and air;
  - (c) Areas between buildings used as service yards, storage of trash, or other utilitarian purposes should be designed so as to be compatible with adjoining dwellings;
  - (d) Building spacing and design shall provide privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units.
7. Streets in the RPC district may be public in accordance with VDOT and county standards or may be private. In reviewing the RPC preliminary master plan, the commission may recommend, and the board of supervisors may approve, one or more private streets within the proposed district.

#### **Sec. 2-700.7. Application process.**

- (A) Prior to submitting a formal application for review and approval under these provisions, the applicant shall meet with county staff to discuss the requirements of the RPC district. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process. The applicant is encouraged to submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of this meeting.
- (B) Any application to rezone land to the RPC designation shall constitute an amendment to the zoning ordinance pursuant to section 5-120. The written and graphic information submitted by the applicant as part of the application process shall constitute proffers pursuant to section 5-122 of this ordinance. Once the board of supervisors has approved the final master plan, all accepted proffers shall constitute conditions pursuant to section 5-122.
- (C) To initiate an amendment, the applicant shall complete a rezoning application. This information shall be accompanied by graphic and written information, which shall constitute a preliminary master plan. All information submitted shall be of sufficient clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum this information shall include:
  1. A legal description and plat showing the site boundaries, and existing street lines, lot lines, and easements.
  2. Existing zoning, land use and ownership of each parcel proposed for the district.
  3. A general statement of planning objectives to be achieved by the RPC district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific manmade and natural characteristics located on the site.
  4. A description and analysis of existing site conditions, including information on topography, natural water courses, floodplains, unique natural features, tree cover areas, etc.

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5. A land use plan designating specific use types for the site, both residential and non-residential use types, and establishing site development regulations, including setback, height, building coverage, lot coverage, and density requirements.
  6. A circulation plan, including location of existing and proposed vehicular, pedestrian, bicycle, and other circulation facilities and location and general design of parking and loading facilities. General information on the trip generation, ownership and maintenance and proposed construction standards for these facilities should be included. A traffic impact analysis may be required by the administrator.
  7. A public services and utilities plan providing requirements for and provision of all utilities, sewers, and other facilities to serve the site.
  8. An open space plan, including areas proposed for passive and active recreational uses, natural and undisturbed areas, and proposed buffer areas proposed around the perimeter of the site. Information on the specific design and location of these areas and their ownership and maintenance should be included.
  9. Generalized statements pertaining to any architectural and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, etc.
  10. A development schedule indicating the location, extent and sequence of proposed development. Specific information on development of the open space, recreational areas, and non-residential uses should be included.
- (D) The completed rezoning application and supporting preliminary master plan materials shall be submitted to the commission for review and analysis. The commission shall review this information and make a report of its findings to the board of supervisors. The commission shall as part of its review hold a public hearing pursuant to Code of Virginia, § 15.2-2204 .
- (E) The commission shall make a report of its findings to the board of supervisors within 90 days of the receipt of the materials, unless the applicant requests, or agrees to an extension of this time frame. The commission's report shall recommend approval, approval with modifications, or disapproval of the preliminary master plan. Failure of the commission to make a report of its findings to the board of supervisors within this period shall constitute a commission recommendation of approval.
- (F) If the commission recommends denial of the preliminary master plan, or approval with modification, the applicant shall, if requested, have 60 days to make any modifications. If the applicant desires to make any modifications to the preliminary master plan, the board of supervisors' review and action shall be delayed until such changes are made and submitted for review.
- (G) The board of supervisors shall review the preliminary master plan, and act to approve or deny the plan within 90 days. Approval of the preliminary master plan shall constitute acceptance of the plan's provisions and concepts as proffers pursuant to section 5-122 of this ordinance. The plan approved by the board of supervisors shall constitute the final master plan for the RPC.

### **Sec. 2-700.9. Revisions to final master plan.**

- (A) Major revisions to the final master plan shall be reviewed and approved following the procedures and requirements of section 5-120. Major revisions include, but are not limited to changes such as:
1. Any increase in the density of the development;
  2. Substantial change in circulation or access;
  3. Substantial change in the mixture of dwelling unit types included in the project;



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4. Substantial changes in the mixture of land uses or an increase in the amount of land devoted to non-residential purposes;
  5. Reduction in the approved open space, landscaping or buffering;
  6. Substantial change in architectural or site design features of the development;
  7. Any other change that the administrator finds is a major divergence from the approved final master plan.
- (B) All other changes in the final master plan shall be considered minor amendments. The administrator, upon receipt of a written request of the owner, may approve such minor amendments. A request which is disapproved by the administrator shall be considered a major amendment and shall be subject to the approval process outlined above for such amendments.

### **Sec. 2-700.11. Approval of preliminary and final site development plans.**

Following the approval of the final master plan, the applicant or its authorized agent, shall be required to submit preliminary and final site plans for approval.

It is the intent of this section that subdivision review under the subdivision regulations be carried out simultaneously with the review of a RPC under this section. The plans required under this section shall be submitted in a form which will satisfy the requirements of the subdivision regulations, as determined by the administrator.

Preliminary and final site plans submitted for review shall in compliance with the final master plan approved by the board of supervisors. The county shall review and approve or disapprove any final site plan within 60 days of its submittal.

No RPC shall be approved and no work shall be authorized on construction until all property included in the final master plan is in common ownership.

### **Sec. 2-700.13. Failure to begin development.**

Failure of the applicant or agent to submit a preliminary site plan for at least one portion of the RPC within five years of the approval of the final master plan, shall constitute an application on the part of applicant to rezone the land included within the RPC to the zoning district or districts applicable to the land prior to the approval of the RPC.

### **Sec. 2-800. C1 general commercial district.**

#### **Sec. 2-800.1. Statement of intent.**

The C1 general commercial district applies to areas of the county where commercial patterns of development currently exist and where future commercial development is encouraged. A wide range of civic, office and commercial uses are permitted in C1 general commercial districts.

#### **Sec. 2-800.3. Permitted uses.**

- (A) The following uses are permitted by right in the C1 general commercial district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:

- 
- (None)
2. Residential use types:
- Assisted care residence
  - Life care facility
  - Manufactured home, emergency \*
  - Nursing home
3. Civic use types:
- Administrative services
  - Cemetery \*
  - Clubs
  - Community recreation
  - Cultural services
  - Educational facilities, college/university
  - Educational facilities, primary/secondary
  - Guidance services
  - Post office
  - Public assembly
  - Public maintenance and service facilities
  - Public parks and recreation areas
  - Religious assembly
  - Safety services
4. Office use types:
- Financial institutions
  - General office
  - Laboratories
  - Medical office
5. Commercial use types:
- Agricultural services
  - Antique shops
  - Assembly hall
  - Automobile dealership, new \*
  - Automobile dealership, used \*
  - Automobile parts/supply, retail
  - Automobile rental/leasing

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Automobile repair services, minor  
Bed and breakfast \*  
Business or trade school  
Business support services  
Commercial indoor amusement  
Commercial indoor entertainment  
Commercial indoor sports and recreation  
Commercial outdoor entertainment  
Commercial outdoor sports and recreation  
Communication services  
Construction sales and services  
Consumer repair services  
Convenience store  
Data center  
Day care center \*  
Equipment sales and rental  
Funeral services  
Garden center  
Hospital  
Manufactured home sales \*  
Personal improvement services  
Personal services  
Recreational vehicle sales and service \*  
Restaurant  
Retail sales  
Studio, fine arts

**Technology Business**

Veterinary hospital/clinic

6. Industrial use types:

(None)

7. **Accessory**/Miscellaneous use types:

Amateur radio tower \*

**Mobile Food Establishment**

Utility service, minor

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(B) The following uses are permitted by special use permit in the C1 general commercial district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:  
(None)
2. Residential use types:  
Halfway house
3. Civic use types:  
Correction facilities  
Crisis center
4. Office use types:  
Substance abuse clinic \*
5. Commercial use types:  
Adult uses \*  
Automobile repair services, major \*  
Campground  
Car wash  
Commercial outdoor entertainment  
Commercial outdoor sports and recreation  
Dance hall  
Flea market  
Gasoline station  
Golf course  
Hotel/motel/motor lodge  
Kennel, commercial  
Laundry  
Mini warehouse \*  
Pawn shop  
Sawmill and woodyard  
Truck stop
6. Industrial use types:  
Ammunition and firearm manufacturing  
Construction yard  
Custom manufacturing  
Industry, type I

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Recycling centers and stations  
Scrap and salvage services  
Transfer station  
Transportation terminal  
Truck terminal  
Truck yard

7. **Accessory**/Miscellaneous use types:

Aviation facility  
Outdoor gathering \*  
Parking facility, surface/structure  
Tower \*  
Utility service, major

(Ord. of 6-14-12; Ord. of 3-11-14; Ord. of 7-10-18; Ord. of 7-14-20)

**Sec. 2-800.5. Site development regulations.**

The following are general development standards for the C1 general commercial district. For additional, modified or more stringent standards see article III, Use and Design Standards.

(A) *Minimum lot requirements.*

1. Area: 10,000 square feet.
2. Frontage: 100 feet.

(B) *Minimum setback requirements.*

1. Principal structure:

Front yard: 25 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width.

Side yard: 50 feet if adjacent to a residential district.

Rear yard: 50 feet if adjacent to a residential district.

The required minimum side and rear yards in the C1 general commercial district may be reduced to a minimum of 25 feet if a special use permit is obtained in accord with section 5-124 of this ordinance.

2. Accessory structures:

Front yard: No minimum requirement.

Side yard: five feet.

Rear yard: five feet.

(C) *Maximum height of structures.*

1. Principal structures: 65 feet.

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2. Accessory structures: 25 feet.

## **Sec. 2-900. I1 general industrial district.**

### **Sec. 2-900.1. Statement of intent.**

The I1 general industrial district is created to establish and preserve areas within the county that are suitable for business and more intensive industrial uses. The district allows a wide variety of intensive industrial and warehouse uses.

### **Sec. 2-900.3. Permitted uses.**

(A) The following uses are permitted by right in the I1 general industrial district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:  
(None)
2. Residential use types:  
Manufactured home, emergency \*
3. Civic use types:  
Administrative services  
Post office  
Public maintenance and service facilities  
Safety services
4. Office use types:  
Financial institutions  
General office  
Laboratories  
Medical offices
5. Commercial use types:  
Automotive repair services, major \*  
Business support services  
Construction sales and services  
Data center  
Day care center \*  
Equipment sales and rental  
Laundry  
Manufactured home sales \*

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Mini-warehouse \*

**Technology Business**

Truck stop

6. Industrial use types:

Asphalt plant \*

Construction yard

Custom manufacturing

Industry type I

Industry type II

Meat packing and related industries

Railroad facilities

Recycling centers and stations

Transfer station

Transportation terminal

Truck terminal

Warehousing and distribution

7. **Accessory/Miscellaneous** use types:

**Mobile Food Establishment**

Parking facility, surface/structure

Utility services, major

Utility services, minor

(B) The following uses are permitted by special use permit in the I1 general industrial district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:

(None)

2. Residential use types:

(None)

3. Civic use types:

(None)

4. Office use types:

(None)

5. Commercial use types:

(None)

6. Industrial use types:

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Industry type III  
Landfill, construction debris  
Landfill, rubble  
Landfill, sanitary resource extraction  
Scrap and salvage services  
Truck yard

7. Miscellaneous use types:  
Tower \*

(Ord. of 6-14-12; Ord. of 7-14-20)

### **Sec. 2-900.5. Site development regulations.**

The following are general development standards for the I1 general industrial district. For additional, modified or more stringent standards see article III, Use and Design Standards.

(A) *Minimum lot requirements.*

1. Area: 10,000 square feet.
2. Frontage: 50 feet.

(B) *Minimum setback requirements.*

1. Principal structure:

Front yard: 25 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width.

Side yard: 50 feet if adjacent to a residential district.

Rear yard: 50 feet if adjacent to a residential district.

2. Accessory structures:

Front yard: No minimum requirement.

Side yard: five feet.

Rear yard: five feet.

(C) *Maximum height of structures.*

1. Principal structures: 45 feet.
2. Accessory structures: 25 feet.

### **Sec. 2-1000. CR college residential district.**

#### **Sec. 2-1000.1. Statement of intent.**

The CR college residential district has been created in recognition that institutions of higher learning have unique land use characteristics. These institutions may typically involve classroom, office, laboratory, and residential areas, as well as areas devoted to culture, recreation and food service. The intermingling of these uses



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creates a campus environment. The college residential district allows flexibility in development standards. New development is reviewed to ensure that it is consistent with the public health, safety and welfare interests of citizens and that it is compatible with the county's comprehensive plan and surrounding and nearby land uses.

**Sec. 2-1000.3. Permitted uses.**

(A) The following uses are permitted by right in the CR college residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:  
(None)
2. Residential use types:  
Home occupations\*  
Single family dwelling, attached  
Single family dwelling, detached  
Two family dwelling
3. Civic use types:  
Cemetery  
Cultural services  
Educational facilities, college/university  
Post office  
Public parks and recreational areas  
Religious assembly
4. Office use types:  
(None)
5. Commercial use types:  
(None)
6. Industrial use types:  
(None)
7. Accessory/Miscellaneous use types:  
Mobile Food Establishment  
Utility services, minor

(B) The following uses are permitted by special use permit in the CR college residential district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:  
(None)

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2. Residential use types:  
Multi-family dwelling  
**Short-term tourist rental**
  3. Civic use types:  
Safety services
  4. Office use types:  
(None)
  5. Commercial use types:  
Day care centers
  6. Industrial use types:  
(None)
  7. Miscellaneous use types:  
Tower \*

(Ord. of 3-11-14)

### **Sec. 2-1000.5. Site development regulations.**

The following are general development standards for the CR college residential district. For additional, modified or more stringent standards see article III, Use and Design Standards.

(A) *Minimum lot requirements.*

1. Area: 20,000 square feet.
2. Frontage: 100 feet.

(B) *Minimum setback requirements.*

1. Principal structure:  
Front yard: 35 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width.  
Side yard: 25 feet if adjacent to a residential district.  
Rear yard: 25 feet if adjacent to a residential district.
2. Accessory structures:  
Front yard: ~~No minimum requirement.~~ **five feet**  
Side yard: five feet.  
Rear yard: five feet.

(C) *Maximum height of structures.*

1. Principal structures: 75 feet.
2. Accessory structures: 25 feet.

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**Sec. 2-1000.7. Institutional master plan.**

- (A) The owners of any institutional property within a CR district may submit to the commission a master plan for development of all or any part of the institution's property within that district. Such plan shall include a graphic representation of the following information at a suitable scale, together with necessary explanatory material:
1. Boundaries of the area involved and the ownership of properties contained therein, as well as all existing public streets and alleys within and adjacent to the site.
  2. Location and use of all existing buildings on the site, as well as the approximate location, height, dimensions and general use of all proposed buildings or major additions to existing buildings.
  3. Location of all existing parking facilities and the approximate location of all proposed parking facilities, including the approximate number of parking spaces at each location and all existing and proposed means of vehicular access to parking areas and to public streets and alleys. Any proposed changes in the location, width or character of public streets and alleys within and adjacent to the site shall also be shown on the plan.
  4. General use of major existing and proposed open spaces within the site, and specific features of the plan such as screening, buffering or retention of natural areas that are intended to enhance compatibility with adjacent and nearby properties.
- (B) The commission shall recommend approval of a master plan submitted under the provisions of this section when it finds, after reviewing a report from the county staff and after holding a public hearing on the provisions of the master plan, that the development shown on the master plan is in compliance with the general intent of the college residential district; that such development will be neither detrimental to the public health, safety and welfare nor injurious to property values or improvements in the district; and that said development may be adequately served with utilities.

The action of the commission shall be based upon a finding of fact, which shall be reduced to writing and preserved among its records. The commission shall submit to the board of supervisors a copy of its findings and a copy of the master plan, together with its recommendations.

- (C) The master plan shall then be reviewed and voted upon by the board of supervisors following a public hearing thereupon. If the master plan is approved, any departures specified therein from other provisions of this article shall be deemed to be approved waivers. If the master plan is approved, the administrator may issue zoning permits if such permits are deemed by said administrator to be in compliance with the provisions of this section and substantially in accordance with the approved master plan or subsequent amendments thereto.
- (D) Amendments to any master plan may be accomplished by the same procedure as for an original application.

**Sec. 2-1100. VC village center district.**

**Sec. 2-1100.1. Statement of intent.**

The VC village center district is intended to encourage the cluster development of appropriately scaled residential, commercial and civic uses, to provide rural residents convenient access to community services and shopping, and to create a community identity.

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**Sec. 2-1100.3. Permitted uses.**

(A) The following uses are permitted by right in the VC village center district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.

1. Agricultural use types:
  - Farm stand
2. Residential use types:
  - Accessory apartment \*
  - Home occupations\*
  - Single family dwelling, attached
  - Single family dwelling, detached
3. Civic use types:
  - Cemetery
  - Clubs
  - Cultural services
  - Educational facility, primary/secondary
  - Post office
  - Public parks and recreational areas
  - Religious assembly
  - Safety services
4. Office use types:
  - Financial institution
  - General office
  - Medical office
5. Commercial use types:
  - Agricultural services
  - Antique shop
  - Assembly hall
  - Automobile repair services, minor
  - Bed and breakfast \*
  - Day care centers
  - Family day care home
  - Funeral services
  - Garden center

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- Gasoline station
  - Personal services
  - Restaurant
  - Retail
  - Studio, fine arts
  - 6. Industrial use types:
    - (None)
  - 7. Accessory/Miscellaneous use types:
    - Mobile Food Establishment**
    - Utility services, minor
- (B) The following uses are permitted by special use permit in the VC village center district, subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in article III, Use and Design Standards.
- 1. Agricultural use types:
    - (None)
  - 2. Residential use types:
    - Assisted care residence
    - Multi-family dwelling \*
    - Townhouse \*
    - Two family dwelling "duplex"
  - 3. Civic use types:
    - (None)
  - 4. Office use types:
    - (None)
  - 5. Commercial use types:
    - Communication services (radio, tv, recording studios, etc.)
    - Convenience store
    - Flea market
    - Gasoline station
    - Hotel/motel/motor lodge
    - Laundry
    - Outdoor gathering \*
    - Veterinary hospital/clinic
  - 6. Industrial use types:
    - (None)

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7. Miscellaneous use types:

Tower \*

(Ord. of 3-11-14)

**Sec. 2-1100.5. Site development regulations.**

The following are general development standards for the VC village center district. For additional, modified or more stringent standards see article III, Use and Design Standards.

(A) *Minimum lot requirements.*

1. Area: 10,000 square feet.
2. Frontage: 100 feet.

(B) *Minimum setback requirements.*

1. Principal structure:

Front yard: 35 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width.

Side yard: 25 feet if adjacent to a residential district.

Rear yard: 25 feet if adjacent to a residential district.

2. Accessory structures:

Front yard: ~~No minimum requirement~~ **five feet**

Side yard: five feet.

Rear yard: five feet.

(C) *Maximum height of structures.*

1. Principal structures: 65 feet.
2. Accessory structures: 25 feet.

**Sec. 2-1200. CH cluster housing overlay district.**

**Sec. 2-1200.1. Statement of intent.**

The CH cluster housing overlay district is created to encourage and allow flexibility in site design and lot arrangements for single family residential development in the rural agricultural areas of the county. This overlay allows a reduction in minimum lot size and frontage requirements from those required in the underlying agricultural zoning district. All cluster lot size reductions must be compensated for by the provision of an equal or greater amount of open space within the cluster housing development.

**Sec. 2-1200.3. Permitted uses.**

- (A) The cluster housing overlay may be requested as a zoning overlay for any land within the A1 agricultural conservation or A2 agricultural residential zoning districts.

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- (B) Single family detached and attached dwellings shall be permitted within the cluster housing overlay subject to the review and approval by the board of supervisors.

**Sec. 2-1200.5. Development regulations.**

Development regulations within cluster housing overlay shall be as specified in the underlying zoning district, with the following exceptions:

1. Minimum development size:  
A1 zoning district: 50 acres.  
A2 zoning district: 15 acres.
2. Maximum density:  
A1 zoning district: 0.25 dwelling units per acre.  
A2 zoning district: 1.0 dwelling units per acre.
3. Minimum lot size:  
A1 zoning district: 1.00 acre.  
A2 zoning district: 20,000 square feet.
4. Minimum frontage: 40 feet.
5. Minimum setbacks:  
Front yard: ~~15~~ 35 feet.  
Side yard: ~~five~~ 10 feet.  
Rear yard: 10 feet.  
  
Front, side and rear yards that are adjacent to an existing public street shall have a setback as specified in the underlying zoning district.  
  
Side and rear yards that are adjacent to existing residential development shall have the side and rear setbacks as specified in the underlying zoning district.
6. Open space: Minimum of 40 percent of development size, or one square foot of open space for each square foot of reduction in lot size below the minimum lot size specified in the respective A1 or A2 zoning district, whichever is greater.
7. Streets in a cluster housing overlay may be public in accordance with VDOT standards ~~or may be private~~. In reviewing plans for the cluster development, the commission may recommend, and the board of supervisors may approve, one or more ~~private~~ streets within the proposed cluster development.

**Sec. 2-1200.7. Approvals.**

Approval of a CH cluster housing overlay district shall be by special use permit as defined by sections 5-124 and 6-100 of this ordinance.

**Sec. 2-1300. Highway corridor overlay district.**

(Ord. of 12-10-13)

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**Sec. 2-1300.1. Statement of intent.**

The highway corridor overlay district is created to protect scenic beauty and viewsheds, enhance levels of transportation service along the major county access roads, and increase property values as specified in the overlay language by regulating and determining the use of land, buildings, structures and other premises for specific uses, and the areas and dimensions of land, water and airspace to be occupied by buildings, structures and uses, and of courts, yards and other open spaces to be left unoccupied by areas and structures; to facilitate the creation of a convenient, attractive and harmonious community; and to protect the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and visual clutter which may result in danger on public and private streets. A limit is hereby placed on certain automobile-oriented, fast-service, quick-turnover uses and related signage, which generate traffic in such amount and in such manner as to present the possibility of increased danger to the motoring public. This district is created in recognition of the need to provide suitable and sufficient road systems in the county and the need to protect existing and future highways from unsafe use and enhance the aesthetics of the county's highway corridors. Specific attention will be given to access management, multimodal transportation, landscaping, and site design.

(Ord. of 12-10-13; Ord. of 12-14-21)

**Sec. 2-1300.3. Applicability.**

- A. The corridor overlay district is established to a depth of 1,000 feet from the right-of-way (as of the date of enactment or as subsequently modified) on both sides of the following corridors:
  - 1. US Highway 15 "Farmville Road" corridor from the southern boundary of the US 460 bypass right of way, south approximately 3.8 miles to State Route 665 "Abilene Road."
  - 2. State Route 786 "Granite Falls Boulevard" corridor from its intersection with US 15 to its intersection with State Route 628 "Zion Hill Road."
  - 3. State Route 628 "Commerce Road" corridor from its intersection with US 15 "Farmville Road" to its intersection with State Route 642 "Germantown Road."
  - 4. State Route 778 "Dominion Drive" corridor from its intersection with US 15 "Farmville Road" to End of State Maintenance.
  - 5. State Route 779 "Dominion Drive" from its intersection with State Route 778 "Dominion Drive" to its intersection with State Route 628 "Commerce Road."
- B. Reserved.
- C. Relation to underlying zoning districts.
  - 1. The uses defined in the corridor overlay district are as permitted in the underlying zoning district, whether by right (permitted) or special use.
  - 2. Where any conflict exists between requirements of the underlying zoning district and those of the corridor overlay district, the more restrictive provision shall apply except as in subsection 3 immediately following.
  - 3. With respect to setbacks and required building spacing, topography can make conflicting requirements impossible to meet. Accordingly, the zoning administrator is authorized to grant variations up to ten percent in setbacks or spacing if the administrator finds in writing that the conditions for a variance in subsection 5-128.1(B) are met.

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D. Conditional uses. In addition to the listed uses requiring a conditional use permit in the underlying district, the following uses shall be permitted with a conditional use permit when proposed to be established in a HC:

1. Buildings in excess of 50,000 square feet.

E. Exemptions. The following are exempt from the requirements of this overlay designation:

1. Buildings associated with permitted agricultural use types or permitted residential use types.

2. Interior alterations to a building or structure having no effect on exterior appearance.

3. General maintenance where no change in design or material is proposed.

(Ord. of 12-10-13; Ord. of 12-14-21)

## **Sec. 2-1300.5. Design standards.**

### **A. Access and circulation.**

1. Access and circulation on-site for auto or truck traffic shall be designed to be convenient without impeding traffic on the primary road.

2. Access by any of the following means should be used to the greatest possible extent in the preparation of a site design for a commercial or civic use:

(a) Provision of shared entrances, inter-parcel connections, or on-site service drives connecting adjacent properties.

(b) Access from a secondary road or street as opposed to the corridor highway.

(c) Access points located the greatest possible distance from any existing intersection.

(d) Access from internal streets of a commercial or civic-use complex.

3. Developers of commercial or civic-use projects shall submit as part of the site plan an analysis of access and internal circulation traffic for the proposed project and for immediately adjacent areas, indicating access as in 2(a)—(d) above where possible.

4. Where required as part of the site plan review the developer shall dedicate the required property for inter-parcel connections and service roads.

### **B. Parking lot areas.**

1. Parking lots shall be located to the sides and rear of the buildings they serve to the greatest possible extent, and shall not dominate the image of the site from the corridor highway. Multiple parking lot pods can be used to provide required parking spaces. Parking lot layouts shall respond to existing topographic characteristics of the site.

2. Parking lots shall be designed to minimize impervious surfaces and mitigate stormwater runoff. All parking lots shall be paved with concrete, asphalt, or durable pervious paving material, except that areas provided beyond the minimum required by this ordinance in section 4-300 should use materials designed to reduce total impervious surface and runoff quantity, and improve runoff quality.

3. Parking lots shall be interconnected with adjacent parcels wherever possible.

4. Recessed islands shall be provided at the end of any parking bay abutting an aisle or access way. Islands shall have a concrete or rolled-asphalt curb, with cuts to allow stormwater infiltration. Each island shall be at least nine feet wide, extend the length of the adjacent parking space or bay, and shall be landscaped with grass, shrubs, or trees.

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5. Stacking spaces provided for any use having a drive-through or pick-up area are consistent with the requirements listed in section 4-300.19.
  6. Minimum off-street parking space requirements may be reduced at the discretion of the zoning administrator or planning commission. Spaces for compact cars may comprise up to 30 percent of required spaces.

C. *Pedestrian circulation.*

1. A continuous sidewalk not less than five feet wide shall be provided from any public sidewalk or the end of any parking-area crosswalk to all customer entrances of the building. Sidewalks shall be concrete or masonry pavers. The sidewalk design must provide for handicap accessibility.
2. Crosswalks and pedestrian access routes from parking-areas shall be clearly marked by the use of striping, contrasting paving materials, elevation change, or speed humps.
3. Sidewalk connections shall be provided between internal walkway networks and adjacent streets, multi-use paths, and adjacent property networks.

D. *New or redeveloped building design.*

1. The design and construction of new or redeveloped buildings for commercial or civic use shall be based on and coordinated with the scale, mass, height, materials, color, texture, construction methods, and orientation of nearby buildings.
2. Trademark buildings or design features shall be subject to these design standards and may require modification.
3. Prior to any demolition of an existing building for a project site plan within a highway corridor district, the applicant is encouraged to consult with the zoning administrator with respect to the overall design.

E. *Landscaping.*

1. New commercial or civic-use development in a highway corridor district shall incorporate as much existing vegetation as possible, with particular reference to section 4-200.9 of this ordinance.
2. Planting of major trees for stormwater management and heat-island reduction shall equal ten percent of the aggregate parking area, in islands not less than eight feet wide.
3. Plants shall not be used to screen utilities. All utilities including loading docks and service entrances shall be located within the building envelope or be screened by architectural elements such as walls or extended parapets.
4. A landscape plan shall be submitted as part of the site plan for any new development. The landscape plan shall be drawn to scale with distances indicated and shall include vehicle areas and, if applicable, any irrigation system proposed.
5. The owner is responsible for the maintenance, repair, or replacement of the required landscaping so that plant materials are kept in a healthy, growing condition and free from refuse and debris.

F. *Building location and treatment.*

1. *Integrated development.* All buildings within a property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically. Architectural treatment shall be designed so that all building facades of the same building (whether front, side or rear) that are visible from the public right-of-way, shall consist of similar architectural treatment in terms of materials, quality, appearance and detail.

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2. *Orientation.* Building facades and entrances should be oriented in a manner toward the primary means of vehicular access.
  3. *Building bulk and mass.* All buildings and parking areas should be designed with treatments to break up the mass and bulk. The treatment of buildings shall include vertical architectural treatment at least every 50 feet to break down the scale of the building into smaller components. Any facade with a blank wall must be screened in a manner approved by the zoning administrator to comply with applicable provisions of the Prince Edward County Code. Architectural details shall continue on all facades visible from the public right-of-way.
  4. *Materials.* Building materials should be typical of those prevalent in the county, including stucco, brick, architectural block, wood siding, and standing seam metal roofs. Inappropriate materials include reflective glass and metal wall panels. No facade visible from adjoining property or the corridor highway shall be constructed of unadorned cinder block, corrugated metal or sheet metal.
  5. *Color.* The permanent color of building materials (to be left unpainted) should resemble the predominant tones, primarily earthen tones, along the corridor. Garish and striking colors should be avoided.
  6. *Adjoining historic properties.* New construction on properties that adjoin designated historic properties should seek to incorporate the scale, massing and treatment of the historic property into the new construction. Efforts should be made to relate to the building height, when in proximity to the principal historic structure. New construction should not overshadow the adjoining historic property.

G. *Utilities.*

1. All utility lines, including electric, telephone, CATV, and gas, shall be installed underground in the highway corridor district. This includes lines serving individual sites as well as lines serving an overall project.
2. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan. All underground utilities shall be installed within easements parallel to street rights-of-way or lot lines when possible.
3. Above-ground utilities must lie within the building envelope, as in E.3 above.

H. *Signs.*

1. In addition to the general sign requirements of this ordinance, any commercial development having more than one business in a single building or in connected buildings must erect a single monument-style shared sign for all businesses, though each business may also have one building-mounted sign.
2. Each parcel of property occupied by a building shall be permitted one freestanding sign, which shall not exceed 30 square feet on each face.
  - (a) Automobile service stations shall be permitted an additional 20 square feet on each face to advertise the price of fuel.
  - (b) In instances where more than one business is located in the same building or connected buildings, the businesses must share one common ground mounted sign. Each business may still have an individual building-mounted sign.
3. Freestanding signs shall be mounted on bases a maximum of three feet high. If the specific location of a sign requires a base of more than three feet to provide adequate visibility the zoning administrator or planning commission may approve a taller base. No freestanding sign shall exceed 12 feet from grade.

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4. Freestanding signs for shopping centers shall be allowed ten square feet of area per business establishment. An additional 25 square feet shall be allowed to identify the shopping center as a whole. For the purposes of the corridor overlay district, a shopping center shall be defined as:
    - (a) Groups of two or more stores, personal service shops or restaurants connected by party walls, partitions, canopies or similar features;
    - (b) Some or all of the stores, personal service shops or restaurants located in separate buildings designed as a single commercial group sharing common parking areas, vehicular travel-ways, and walkways designed to encourage customer interchange between the buildings and presenting the appearance of a continuous commercial area.
  5. In addition, each business within the shopping center shall be permitted one monument identification sign with the name and/or logo of the business. Such signs shall be a maximum of 16 square feet in size and a maximum height of four feet.
  6. If the nearest point of a freestanding sign is located within five feet of the street right-of-way, its location must be approved by VDOT or designee, who will evaluate the location for sight line and other traffic safety considerations.
  7. Signs shall be appropriately scaled to the building or portion of the building served and should be coordinated with the architecture and building materials.
  8. Types of signs: The following sign types shall be permitted in the corridor overlay district:
    - (a) Externally illuminated signs provided the light source is directed downward;
    - (b) Internally illuminated channel letters; and
    - (c) Internally illuminated cabinet sign if the background of the cabinet sign is opaque and appears black at night.
    - (d) Additional sign types fitting within the recommended materials may be considered. Animated or neon signs may be considered subject to a special use permit.
  9. No wall sign shall project beyond the surface of the building or above the roofline.
  10. Inflatable figures or signs are not permitted in the corridor overlay district.
  11. Banner signs may be permitted for temporary use only, but shall be displayed for a maximum of 30 days within any 90-day period.
- I. *Lighting.*
    1. Exterior lighting shall be limited to that necessary for safety, security, and to complement architectural character.
    2. No light shall spill onto an adjacent property or interfere with the character of the surrounding area.
    3. All light sources must be down-shielded, and no light pylon shall be more than 24 feet high in height.
    4. All lighting fixtures installed on any site shall be of the same type and height.

(Ord. of 12-10-13; Ord. of 12-14-21)

### **ARTICLE III. USE AND DESIGN STANDARDS**

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**Sec. 3-100. Generally.**

- (A) The standards contained in article II, District Regulations, shall apply to all of the following use types, unless specifically modified and/or superseded by the use and design standards in this article.
- (B) The standards listed herein as general standards shall apply in all zoning districts in which the use type is permitted, either by right or by-special use.
- (C) Where a specific zoning district is indicated; the use and design standards listed in this article shall apply to that zoning district, and shall be in addition to any general standard for that use.

**Sec. 3-100.1. Agricultural use types.**

*Agriculture*

General standards:

- 1. Commercial uses such as gift shops and restaurants associated with viticulture operations shall only be allowed by special use permit.

*Commercial feed lots*

General standards:

- 1. For the purposes of this use type, the following definitions shall apply:

*Livestock:* Includes all domestic or domesticated bovine animals, including but not limited to cattle; equine animals, included but not limited to horses; ovine animals, including but not limited to sheep, porcine animals including but not limited to hogs, and poultry included but not limited to turkeys or chickens.

*Natural buffer:* Any hill, trees, woodland or combination thereof which completely blocks the view of a commercial feedlot from public roads and any existing dwellings located on properties adjoining the commercial feedlot.

*Operator:* The owner or operator of a commercial feed lot, or the land on which the commercial feed lot is located.

*Structure:* Any building, structure, installation, storage container or storage site used in the operation of a commercial feed lot, including but not limited to feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits and dead poultry cold storage chests.

- 2. All commercial feed lots shall meet the following minimum acreage requirements.

Beef or dairy cattle: 60 acres for the first structure and 15 acres for each additional structure.

Swine: 50 acres for the first structure and ten acres for each additional structure.

Poultry: 15 acres for the first structure and five acres for each additional structure.

The expansion of any existing conforming commercial feedlot structure shall require an additional one acre of land for each 5,000 square feet (or part thereof) of structure addition. Commercial feedlots that are non-conforming on the effective date of this ordinance due to insufficient acreage as required above shall be considered non-conforming uses and shall be governed by the provisions of section 5-126 of this ordinance.

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3. Each commercial feedlot, with the exception of swine commercial feedlots, shall be set back a minimum of 300 feet from all existing dwellings not owned by the operator. Swine commercial feedlots shall be setback minimum of 1,500 feet. In addition, one of the following buffers shall be required:
    - a. A natural buffer, or
    - b. A buffer consisting of three staggered rows of native evergreens between existing dwellings and the commercial feedlot.

The administrator may reduce this buffer requirement with the written authorization of the adjacent property owner.

4. Each commercial feedlot structure, with the exception of swine structures, shall be set back a minimum of 150 feet from all property lines and 150 feet from any public road. Swine structures shall be setback a minimum of 300 feet from any property line and 500 feet from any public road.
5. No commercial feedlot shall be located within 1,500 feet of any incorporated town, residentially zoned district, public school, county-owned building, county, town or community recreation area, public well, public spring, public water intake or supply reservoir.
6. The owner of any commercial feedlot constructed or completed after the effective date of this ordinance shall file with the administrator a plat or similar documentation showing the entire parcel or parcels on which the facility is located and also showing the location of the facility within the parcel or parcels. The owner shall submit with this plat a notarized sworn statement certifying that the facility shown on the plat meets all applicable setback requirements of this ordinance.

The owner shall also submit to the administrator for approval, a site plan meeting the requirements of section 4-100 of this ordinance. At a minimum this site plan shall show the number, size, and location of all existing and planned structures at the facility. Once this plan is approved by the administrator, the operator shall only be required to maintain setbacks from those dwellings that existed at the time of site plan approval. This plan shall be approved in accordance with the procedures and time frames contained in sections 4-100 through 4-108.

7. At least one-third of the number of head of livestock or dairy animals, subject to this ordinance, or one poultry structure indicated in the site plan must be placed into service within 36 months of the date on which the site plan is approved by the administrator, unless at least one-third of the number of livestock, dairy or one such poultry structure is already in service on the subject parcel at the time the site plan is filed.
8. The operator shall notify the administrator in writing within 30 days of placement into service of any structure indicated in his/her site plan.
9. In the event an operator fails to build the proposed structure or have in place the minimum number of head required in the above section, or fails to obtain building permits for any of the structures indicated in his site plan within the prescribed three-year period, the administrator shall revoke approval of the site plan. All future site plans on the subject parcel shall conform to the requirements of this ordinance.
10. Each parcel for which a site plan has been approved by the 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 site plan is in effect for the parcel and containing the words "certified agricultural development site."
11. Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or her original site plan or to submitting revised site plans at any time. The administrator shall approve the amended or revised site plan, following the procedure and standards in effect at the time that the amendments or revisions are submitted to the administrator.

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12. After the effective date of this zoning ordinance, no commercial feedlot shall commence operation 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 by a person certified or employed by the commonwealth as a nutrient management planner.

If off-site disposal is part of the nutrient management plan, the operator shall provide, as part of the nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the operator's facility or an affidavit, sworn and subscribed before a notary public, that states his/her intention to dispose of the waste through sale in retail establishments or otherwise marketing to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes.

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 operator shall notify the administrator whenever such an agreement is terminated before its stated expiration date within 15 days of such termination. In all cases, the producer shall own sufficient property to dispose of nutrients should agreements with other property owners cease to exist.

13. The commercial feed lot shall also provide for a site, with or without a permanent structure, for the storage of animal wastes, meet all applicable standards of the commonwealth, and shall meet the following requirements:

- a. Be located on the same parcel as the facility to which it is an accessory use.
- b. Meet the setback requirements of this ordinance.
- c. Be certified by a professional engineer registered in Virginia that the site:
  - i. Is located on an impermeable base (clay or synthetic); and/or
  - ii. Is out of any drainage ways.

14. Notwithstanding the above, if an operator is unable to locate a storage site on the same parcel of land because of insufficient acreage or topographical hardship, then the Administrator, after consultation with the operator's engineer, may permit the storage site to be located on adjacent land owned by the operator; or, if there is a valid agreement for off-site disposal as provided in this section, the Administrator may permit the storage site to be located on a parcel specified in the agreement for off-site disposal.

The nutrient management plan shall be reviewed and updated every five 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.

15. Aerial spraying of nutrients must take place a minimum of 500 feet from occupied dwellings other than the owners. Other forms of spraying and spreading the nutrients shall meet the setbacks of the individual nutrient management plans.

#### *Distillery*

- A. Agricultural products which are used by the distillery in the manufacture of its alcoholic beverages other than beer and wine are grown on the farm.
- B. The distillery shall be limited to 10 seats.
- C. The hours of operation for the distillery shall be between 9:00 a.m. and 10:00 p.m.
- D. The distillery shall be located on a lot or parcel adjacent to a state-maintained road.

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- E. The distillery shall have no more than 3,000 square feet of floor area, for the production and packaging of alcoholic beverages other than beer or wine for retail sale and for the tasting or consumption of alcoholic beverages other than beer or wine.
  - F. The operation shall be in compliance with all Virginia Department of Health and Virginia Department of Transportation regulations and requirements.
  - G. The distillery shall receive approval and meet the requirements of the Prince Edward County Building Inspections Department.
  - H. The distillery shall be in compliance with all Alcohol Beverage Control laws and regulations.
  - I. The distillery is subject to the requirements of Prince Edward County Code § 5-104 regarding permits.

*Farm winery*

Where allowed, farm wineries shall meet the following requirements:

- A. The following uses, events and activities are permitted at a farm winery:
  - (1) The production and harvesting of fruit and other agricultural products and the manufacturing of wine;
  - (2) The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
  - (3) The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;
  - (4) The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;
  - (5) The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;
  - (6) The sale of wine-related items that are incidental to the sale of wine; and
  - (7) Private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents differently from private personal gatherings by other citizens.
- B. A farm winery may host usual and customary activities, including, but not limited to, group tours/tastings, private parties, owners' private events, charter tours (i.e., buses, limousines), business meetings, educational seminars, wedding receptions, wedding ceremonies, class/family reunions, showers (i.e., baby, bridal), similar events and activities for nonprofit organizations; and similar events and activities as determined by the Zoning Administrator; provided, however, that a special use permit shall be required when more than 100 persons are in attendance at any organized farm winery event.
- C. An accessory gift shop shall be permitted. A gift shop shall be defined as any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items, collectibles and crafts relating to wine, wine making and associated food/cooking. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine.
- D. Restaurants shall not be permitted. Catering shall be permitted as a de minimus use as part of the winery operation. Prepackaged foods such as cheese, meat, and crackers may be offered.
- E. Outdoor amplified music arising from activities and events at farm wineries shall be in compliance with the Prince Edward County Noise Ordinance, as amended.



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- F. (Reserved)
  - G. The farm winery is subject to the requirements of Prince Edward County Code § 5-104 regarding permits.
  - H. The regular business hours for the farm winery shall be between 9:00 a.m. and 10:00 p.m.
  - I. Any parking space(s) designated for handicap access shall be connected to a paved or otherwise hard-surfaced travelway, sidewalk or path of sufficient width to facilitate the maneuverability and operation of a wheelchair connecting the parking space(s) to and from all buildings which guests of the farm winery are authorized to visit.

**Kennel, Noncommercial**

- A. For the purposes of this section, a noncommercial kennel shall be defined as a place where five (5) or more dogs that are six (6) months in age or older, are owned, boarded, housed, or offered for sale.
- B. Any structure and/or area occupied by dogs (runs, training areas, pens and/or dwelling) shall be no closer than 200 feet from any neighboring residence, and set back 50 feet from any property lines.
- C. Any exterior structure and/or area occupied by animals (runs, training areas, pens, etc.) shall be enclosed by a fence not less than four feet in height; located within 50 feet of the structure; composed of materials approved by the Zoning Administrator; and installed within 60 days of approval. If individual cages or enclosures are used to separate individual dogs from other animals, the cage shall accommodate no more than one dog and shall be sized to allow adequate space for movement as following: The length and width shall be a minimum of three times the dog's length (nose to tail) and a minimum of four feet high.
- D. When adjoining a residential use, landscaping separation buffers and screens shall be provided along the property line as described in §Section 4-200.3.
- E. The kennel shall be cleaned of animal waste and disposed of properly.
- F. Upon request, the kennel owner shall provide to the Zoning Administrator copies of inoculation and/or vaccination certificate, including rabies, issued for each dog. Additionally, copies of dog licenses are required as noted under Prince Edward County Code Article III, Division 2.
- G. The applicant shall meet all Virginia Department of Agriculture and Consumer Services, Virginia Department of Health, and Prince Edward County Animal Control requirements.
- H. The applicant shall allow agents of the Prince Edward County Planning Department and Prince Edward County Animal Control to inspect the property to ensure compliance.

**Microbrewery**

- A. Agricultural products, including hops, barley, other grains, or fruit utilized in the microbrewery operation, shall be grown on the farm where the microbrewery is established.
- B. The hours of operation for the microbrewery shall be between 9:00 a.m. and 10:00 p.m.
- C. Microbreweries shall be located on a lot or parcel adjacent to a state-maintained road.
- D. Beer can be sold for on- and off-premises use.
- E. The operation shall be in compliance with all Virginia Department of Health and Virginia Department of Transportation regulations and requirements.
- F. The operation shall be in compliance with all Alcohol Beverage Control laws and regulations.
- G. The microbrewery is subject to the requirements of Prince Edward County Code § 5-104 regarding permits.

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- H. A microbrewery may host usual and customary activities, including, but not limited to, group tours/tastings, private parties, owners' private events, charter tours (i.e., buses, limousines), business meetings, educational seminars, wedding receptions, wedding ceremonies, class/family reunions, showers (i. e., baby, bridal), similar events and activities for nonprofit organizations; and similar events and activities as determined by the Zoning Administrator; provided, however, that a conditional use permit shall be required when more than 100 persons are in attendance at any organized microbrewery event.
  - I. An accessory gift shop shall be permitted. A gift shop shall be defined as any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items, collectibles and crafts relating to beer, brewing and associated food/cooking. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of beer.
  - J. Outdoor amplified music arising from activities and events at a microbrewery shall be in compliance with the Prince Edward County Noise Ordinance.
  - K. Any parking space(s) designated for handicap access shall be connected to a paved or otherwise hard-surfaced travelway, sidewalk or path of sufficient width to facilitate the maneuverability and operation of a wheelchair connecting the parking space(s) to and from all buildings which guests of the microbrewery are authorized to visit.

*Stable*

(A) General standards:

(None)

(B) Stables shall comply with the following standards in R1, R2 and VC districts:

1. Minimum lot size: two acres.
2. On lots less than five acres no more than one stable animal per acre shall be permitted.
3. Stables shall manage animal waste so as not to create a nuisance or health hazard to adjoining or nearby properties.

(Ord. of 1-12-21)

**Sec. 3-100.3. Residential use types.**

*Accessory apartment*

General standards:

1. An accessory apartment shall only be considered accessory to a detached single family dwelling.
2. At the completion of construction, no accessory apartment shall contain more than 40 percent of the finished floor area of the principal dwelling.
3. No accessory apartment shall contain less than 300 square feet of finished floor area, or more than 1000 square feet of finished floor area.
4. Only one accessory apartment shall be allowed per lot or per principal dwelling.
5. The owner of the principal dwelling shall reside on the property.

*Home occupations*

- (A) These standards for home occupations are established in recognition that certain small scale business activities may be appropriate as an accessory use to a residential dwelling. The character and scale of

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the business activity must be clearly minor and subordinate to the principal use of the property as a residence.

(B) *General standards:*

1. All home occupations shall be operated by the resident occupants of the dwelling that is the location of the home occupation.
2. No dwelling used for a home occupation shall be altered or used in any manner that would cause the dwelling to differ in character from a residential use.
3. Signage shall not exceed a total of six square feet in size. Additional signage shall require a special use permit approved by the board of supervisors.
4. The home occupation shall not require the use or storage of hazardous or toxic materials and no such material shall be associated with the home occupation.
5. External storage of equipment or materials associated with the home occupation is only permitted if such equipment and materials cannot be seen from adjacent properties or public roadways.
6. The volume and characteristics of traffic associated with the home occupation shall be consistent with the volume and characteristic of traffic associated with dwellings in the general area.
7. The home occupation shall not involve the commercial delivery of materials or products to or from the premises. Incidental deliveries common to residential dwellings such as UPS, FEDEX and similar carriers shall be permitted.
8. More than one home occupation may be located within a single dwelling provided the level of activity associated with all of the home occupations, when considered together, does not violate any of these general standards.

(C) *Application process:*

1. The administrator shall be responsible for reviewing all applications for home occupations.
2. Applicants for home occupations shall complete a home occupation application and in doing so shall indicate compliance with the intent of these regulations and the general standards contained herein.
3. If the administrator believes that a proposed home occupation will comply with the intent and general standards contained herein, the application for the home occupation shall be approved.
4. If the administrator believes that a proposed home occupation will not comply with the intent and general standards contained herein, the administrator shall notify the applicant of the changes necessary to achieve compliance with these provisions. If the applicant disagrees with the opinion of the administrator, the administrator may, and at the request of the applicant shall, refer the application to the commission and board of supervisors which shall review the application as a special use permit pursuant to the provisions of this ordinance.

- (D) *Enforcement:* The administrator shall have the authority to require compliance with these provisions. When, in the opinion of the administrator, an operator of a home occupation violates the home occupation standards contained herein, the administrator shall require compliance pursuant to the procedures contained in section 5-114.

*Manufactured homes*

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- (A) The following minimum standards are established in recognition that manufactured homes on individual lots of record are a viable housing option as permitted by special use permit in article II, District Regulations, R2 general residential district.
  - (B) *General standards:*
    - 1. Only one manufactured home unit per residential lot of record in the general residential district.
    - 2. The manufactured home shall be placed on a continuous, permanent foundation.

*Manufactured home, emergency*

- (A) *Intent:* These regulations are adopted in recognition that temporary emergency housing options may be necessitated by fire, flood, or other unforeseen and sudden acts of nature.
- (B) *General standards:*
  - 1. The board of supervisors may authorize the emergency use of a manufactured home on any residential lot if the building official certifies that the permanent dwelling on the lot has been lost or destroyed by a fire, flood, or other unforeseen and sudden acts of nature, and as a result is uninhabitable.
  - 2. Only one emergency manufactured home shall be permitted on a lot of record. It shall be located on the same lot as the destroyed dwelling, and must be occupied only by the person or family whose dwelling was destroyed.
  - 3. The emergency manufactured home shall meet all setback and yard requirements for the district in which it is located. It shall be anchored and stabilized in accordance with applicable building code provisions.
  - 4. The emergency manufactured home must be removed as soon as reconstruction or replacement of the uninhabitable dwelling is complete, or within a twelve month period of its placement on the site, whichever is sooner. A one-time extension of up to six additional months may be granted by the board of supervisors if substantial reconstruction of the destroyed dwelling has occurred and work has, and is continuing to progress. No final certificate of occupancy for the reconstructed dwelling shall be issued until the emergency manufactured home is removed from the site.
- (C) Where the President of the United States has declared a federal disaster, the board of supervisors may authorize the placement of temporary manufactured homes supplied by the Federal Emergency Management Agency (FEMA) to disaster victims who lost their homes. In such cases all local zoning and building code requirements shall be waived in favor of FEMA standards.

*Manufactured home park*

- (A) *Approval process:*
  - 1. Manufactured home parks shall only be allowed in manufactured home park districts (MHP).
  - 2. Applicants wishing to develop a new manufactured home park or expand an existing park shall request an amendment to the official zoning map pursuant to the provisions of this ordinance. All requests for MHP districts shall be considered conditional rezoning requests.
  - 3. If the board of supervisors approves a new or expanded MHP district the applicant shall submit a site plan in accordance with section 4-100 of this ordinance. The submitted site plan shall be approved by the county prior to commencing development of the park.
- (B) *General standards:*
  - 1. The minimum lot size for any new or expanding park shall be three acres.

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2. Any new or expanding park shall have a minimum of 300 feet of frontage on a public street.
  3. Any new or expanding park shall have a minimum lot width of 300 feet at the adjacent public street, and any portion of the park devoted to the placement of manufactured homes shall have a minimum lot width of 100 feet.
  4. The health department shall be responsible for the review and approval of water and wastewater services.
  5. No portion of any new or expanded manufactured home park shall be located within any floodplain.
  6. A minimum of six lots in a manufactured home park shall be completed and ready for occupancy prior to occupancy of the first lot in the park.

(C) *Density and individual lot requirements:*

1. The maximum density of any new or expanding park shall be six manufactured home units per acre.
2. New individual lots devoted to the placement of manufactured homes shall have a minimum area of 7,000 square feet and a minimum width of 30 feet.
3. Each manufactured home lot shall have a pad constructed for the placement of the manufactured home. Each pad constructed shall be located to allow the placement of a manufactured home in full compliance with the area, lot and setback requirements contained herein.
4. Each manufactured home shall be anchored to the pad in accordance with applicable building code requirements.
5. Each manufactured home shall be skirted with a durable material within 30 days of placement of the manufactured home on the site.

(D) *Setback requirements:* Manufactured homes on new individual lots within any new or expanded manufactured home park shall comply with the following minimum requirements:

1. Front yard: 20 feet from any street or driveway interior to the park; 30 feet from any perimeter street or driveway.
2. Side yard: ~~five~~ **10** feet.
3. Rear yard: 10 feet.

(E) *Open space and recreational areas:*

1. Any new or expanded manufactured home park shall devote a minimum of 10 percent of the area of the park to recreational and open space uses.
2. Areas of the park devoted to individual lots, streets, driveways, parking areas, and/or office or laundry facilities shall not be counted as open space or recreation areas.
3. Open space and recreation areas may be passive or active. No area shall have a contiguous size of less than 5,000 square feet. The location and character of open space and recreation areas should be appropriate to meet the needs of park residents and shall include such facilities as recreation centers, swimming pools, athletic courts, bikeways, walking trails, picnic areas, tot lots and other similar facilities.

(F) *Management offices and resident services facilities:*

1. An office area devoted solely to the management of the park shall be allowed within the park.

2. A convenience store, located within the building occupied by the management office, and designed to serve only the daily needs of the park residents may be located within the park. No signage associated with this use shall be allowed on the outside of this building, or be visible from any property or road outside the park.
3. Management provided laundry and storage facilities shall be allowed within the park, provided these facilities are designed and located to primarily serve the needs of park residents. These facilities may be located within the management office building, or may be located elsewhere in the park.

(G) *Streets and parking:*

1. Private streets and driveways shall be allowed within the manufactured home park. All private streets and driveways shall be paved.
2. Each manufactured home shall be provided a minimum of two parking spaces. These spaces may be located on the individual manufactured home lots, or may be located within common parking areas that are in a location convenient to the individual lots. The surface material of all parking areas shall be established by the county as part of the approval of the MHP district.
3. In addition to the above, parking spaces shall be provided for the management office and all resident services facilities.

(H) *Status of existing parks:* In manufactured home parks established prior to the adoption of these provisions, individual manufactured homes on existing lots may be removed and replaced, provided the replacement home is located in approximately the same location as the home removed.

*Multi-family dwellings*

(A) *Intent:* The following minimum standards are intended to create a safe and healthy multi-family living environment. Setback and density regulations have been established to ensure an adequate separation between buildings.

(B) *General standards:*

1. Applicants for multi-family developments shall submit a site plan in accordance with section 4-100 of this ordinance. The submitted site plan shall be approved by the county prior to commencing development of the site.
2. The following minimum lot areas shall be required for all multi-family dwelling units. The listed square footage requirements shall be in addition to a base minimum lot area required by the district regulations.

Number of Bedrooms in Unit	Square Feet Required
Efficiency	1,500
One bedroom	2,000
Two bedroom	2,500
Three bedrooms	3,000
Four or more bedrooms	3,500

For the purposes of calculating minimum lot area requirements, any room, other than a living room, dining room or area, kitchen, or bathroom that could be used for sleeping purposes shall be counted as a bedroom.

3. All multi-family dwellings shall be served by public water and sewer.

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4. A minimum 40-foot separation shall be provided between buildings containing multi-family dwellings. This minimum separation may be reduced to 20 feet if both facing walls contain no windows, doors or balconies, or the corners of adjacent buildings are at right angles to one another.
  5. Any new or expanded multi-family use containing over 20 units shall devote a minimum of ten percent of the area of the development to recreational and open space uses.
  6. Open space and recreation areas may be passive or active. The location and character of open space and recreation areas should be appropriate to meet the needs of residents and shall include such facilities as recreation centers, swimming pools, athletic courts, bikeways, walking trails, picnic areas, tot lots and other similar facilities.

*Temporary family health care structures*

- (A) As may be permitted in article II, District Regulations, temporary family health care structures shall be allowed provided the following standards are met:
  1. The structure is a transportable residential structure, primarily assembled at a location other than the site of its installation, having a gross area of no more than 300 square feet, and complying with applicable provisions of the Industrial Building Safety Law (Code of Virginia, § 36-70 et seq.) and the Uniform Statewide Building Code (Code of Virginia, § 36-97 et seq.). It is noted that if the manufactured home was manufactured on or after July 1, 1976, these provisions will normally be met.
  2. The occupancy of the structure is limited to one occupant who is a mentally or physically impaired person requiring a caregiver, or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living. The caregiver shall be either the legally appointed guardian of or related by blood, marriage or adoption to the mentally or physically impaired person.
  3. The impairment in (2) above shall be certified in writing to the county by a physician licensed in the commonwealth.
  4. The structure shall comply with all setback requirements and shall be placed on the parcel in accordance with the provisions of section 4-400.9 of this ordinance. Only one family health care structure shall be allowed on a lot or parcel of land.
  5. The structure shall not be placed on a permanent foundation. It shall be connected to any water, sewer, or electric utilities that serve the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
  6. The structure shall be removed within 60 days of the date on which it was last occupied by the impaired person in subsection 2 above, or the date on which the person is no longer in need of services.
  7. The structure must comply with a permit issued by the zoning administrator. Such permit may be revoked if the permit holder violates any provision of this section. Compliance may be established by annual inspection of the structure by the zoning administrator at a time convenient to the caregiver or by the requirement the applicant annually provide evidence of compliance as long as the structure remains on the property.

**Short-term tourist rentals.**

**Where allowed, short-term tourist rentals shall meet the following requirements:**

- (A) **The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual**

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- basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Prince Edward County may revoke a permit for repeated noncompliance with these performance standards.
- (B) The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Prince Edward County Health Department; however, the maximum number of occupants shall not exceed 12.
  - (C) Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all rights-of-way and in yards.
  - (D) Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.
  - (E) There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
  - (F) A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code; and a carbon monoxide detector must be installed on each floor in every dwelling.
  - (G) The owner of a dwelling used for short-term tourist rentals shall give the county written consent to inspect any dwelling used for short-term rental to ascertain compliance with all the above performance standards upon a twenty-four-hour notice.
  - (H) A property management plan demonstrating how the short-term tourist rental will be managed and how the impact on neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to County staff, public safety officials and, if applicable, the HOA/POA of the subdivision. The plan must be provided as part of the rental contract.
  - (I) If the property is located within a subdivision governed by a homeowners' association/property owners' association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental.
  - (J) The short-term tourist rental shall have a "land line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.
  - (K) The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood.
  - (L) A copy of Chapter 46 Article 2 of the Prince Edward County Code relative to noise must be provided at the short-term tourist dwelling.
  - (M) Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation.
  - (N) There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences.

*Townhouse*

- (A) *Intent:* The following minimum standards are established in recognition that common-wall single family dwellings on individual lots of record are a viable housing alternative to conventional detached single-family dwellings. These standards are intended to allow flexibility in unit arrangements, unit size and yard space, thereby allowing the creation of efficient and economical housing arrangements.
- (B) *General standards:*
  1. Applicants for townhouse developments shall submit a site plan in accordance with section 4-100 of this ordinance. The submitted site plan shall be approved by the county prior to commencing



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development of the site. A final subdivision plat pursuant to the provisions of the county subdivision ordinance shall be approved prior to the sale of any townhouse lot.

2. The minimum development size for any townhouse development shall be one acre. The maximum density of any townhouse development shall be ten dwelling units per acre.
3. All townhouse developments shall be served by public water and sewer.
4. Contiguous townhouse groupings shall contain a minimum of three units and a maximum of 12 units.
5. The facades of contiguous townhouses shall be varied by staggered front yards and variations in design and materials. No more than four abutting townhouses shall have the same front yard setback and the same architectural treatment of facades and roof lines. The front yard stagger, when required, shall be a minimum of two feet.
6. There shall be no minimum lot size for individual townhouse lots. However, each townhouse lot shall be of sufficient size and dimension to comply with the unit width and yard requirements of this section.
7. The minimum lot/unit width for any townhouse shall be 16 feet.
8. The minimum front yard setback, for any townhouse fronting on a public street shall be as specified in article II, District Regulations.
9. When practical, all townhouses shall be arranged such that only the front or side of any unit shall face a public street. If site characteristics require that the backs of townhouses face a public street, then vegetative screening shall be required per the provisions of this ordinance. Such vegetative screening shall not be located in the required rear yard of any townhouse unit.
10. The front yard setback for any townhouse unit fronting on any private drive, parking area, walkway or open space area intended for the common use of townhouse occupants shall be a minimum of 15 feet.
11. In addition to any buffer yard requirements as specified in section 4-200.3 of this ordinance, the minimum side yard for any contiguous townhouse grouping adjacent to property outside the townhouse development shall be 25 feet. Where a grouping of townhouses adjoins a private drive, parking area or walkway intended for the common use of the townhouse occupants, a side yard of not less than ten feet shall be provided.
12. There shall be a minimum rear yard of 25 feet for any townhouse unit.
13. A minimum 40-foot separation shall be provided between groupings of townhouse units. This minimum separation may be reduced to 20 feet if both facing walls contain no windows, doors or balconies, or the corners of adjacent buildings are at right angles to one another.
14. No required townhouse yard shall contain any parking area, driveway, or parking easement. Required yards shall be free of all physical improvements except for the following:
  - a. Pedestrian walkways and sidewalks.
  - b. Privacy fences in rear yards.
  - c. Accessory buildings in rear yards. No accessory building shall exceed 100 square feet in size.
15. The maximum height of any townhouse unit shall be three stories or 45 feet.

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16. A homeowner's association shall be created for each townhouse development. The homeowner's association shall be responsible for the perpetual maintenance of all open space, private roads, and common areas within the townhouse development.

(Ord. of 12-9-08; Ord. of 11-14-13; Ord. of 3-11-14)

### **Sec. 3-100.5. Civic use types.**

#### *Cemetery*

##### General standards:

1. Minimum parcel size: five acres.
2. No interment shall occur within 25 feet of the property line.
3. Private family cemeteries shall be exempt from these size and setback requirements but shall be designed and operated in accord with commonwealth law, including but not limited to Code of Virginia, tit. 57, ch. 3, § 57-26 . The location of private family cemeteries shall be designated on a plat of record and filed with the clerk of court.

### **Sec. 3-100.7. Office use types.**

#### *Substance abuse clinic*

##### General standards:

1. No substance abuse clinic may be constructed, developed or operated within 1,000 feet of any other such substance abuse clinic.
2. No substance abuse clinic may be constructed, developed or operated within 500 feet of a residentially or agriculturally zoned district, or within 500 feet of property occupied or used for an educational facility, place of religious assembly, public park and recreation area or day care center.
3. The minimum lot size for any substance abuse clinic shall be one acre.
4. A special use permit, granted by the board of supervisors shall be required prior to the construction, development, or operation of any substance abuse clinic.
5. The "establishment" of a substance abuse clinic as referred to in this section includes the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or part, of an existing business to a substance abuse clinic.

### **Sec. 3-100.9. Commercial use types.**

#### *Adult uses*

##### General standards:

1. No adult use may be constructed, developed or operated within 1,000 feet of any other such adult use in any zoning district.
2. No adult use may be constructed, developed or operated within 500 feet of a residentially or agriculturally zoned district, or within 500 feet of property occupied or used for an educational facility, place of religious assembly, public park and recreation area or day care center.

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3. A special use permit, granted by the board of supervisors shall be required prior to the construction, development, or operation of any adult use.
  4. The "establishment" of an adult use as referred to in this section includes the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or part, of an existing business to any adult use.

*Automobile dealership, new*

General standards:

1. Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas as required by section 4-300.11 of this ordinance.
2. A perimeter landscaping strip and landscaping shall be provided as required by section 4-200.7 of this ordinance.
3. Exterior display or storage of new or used automobile parts is prohibited.

*Automobile dealership, used*

General standards:

1. Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas as required by section 4-300.11 of this ordinance.
2. A perimeter landscaping strip and landscaping shall be provided as required by section 4-200.7 of this ordinance.
3. Exterior display or storage of new or used automobile parts is prohibited.
4. Any vehicle which 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 100 feet from any adjoining residential district.

*Automobile repair services, major*

General standards:

1. All vehicles stored on the premises in excess of 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 100 feet from any adjoining residential district.

*Bed and breakfast*

General standards:

1. No more than five guest sleeping rooms shall be utilized for a bed and breakfast. The maximum number of guest occupants at any one time shall not exceed 20 guests.
2. Except in the C1 district, any building erected, enlarged or modified to accommodate a bed and breakfast shall maintain the appearance of a residence.
3. Guests may stay no more than 30 consecutive nights in any one calendar year.
4. Required parking areas for guests and employees shall be provided on-site.

*Brewpub*

- A. A microbrewery shall be the primary use of the property. The brewpub is permitted in conjunction with the microbrewery use.

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- B. Agricultural products, including hops, barley, other grains, or fruit utilized in the microbrewery operation, shall be grown on the farm where the microbrewery is established.
  - C. Full restaurant services and the serving of beer shall be permitted as part of the brewpub use. Beer can be sold for on- and off-premises use.
  - D. The restaurant shall be limited to 50 seats.
  - E. The hours of operation for the brewpub shall be between 9:00 a.m. and 10:00 p.m.
  - F. Microbreweries shall be located on a lot or parcel adjacent to a state-maintained road.
  - G. The operation shall be in compliance with all Virginia Department of Health and Virginia Department of Transportation regulations and requirements.
  - H. The facility shall receive approval and meet the requirements of the Prince Edward County Building Inspections Department.
  - I. The operation shall be in compliance with all Alcohol Beverage Control laws and regulations.
  - J. The microbrewery is subject to the requirements of Prince Edward County Code § 5-104 regarding permits.

*Commercial outdoor entertainment*

General standards:

1. The application for a special use permit shall include information indicating the individuals/business sponsoring the facility, the location and layout of the facility, identification of all adjoining property owners, the nature of events at the facility, the entertainment schedule or expected frequency of events, the estimated number of tickets to be sold or maximum number of people expected at the facility, and the plan for traffic management related to events at the facility.
2. A detailed plan shall be submitted of all facilities to be provided in accordance with the following guidelines:
  - a. Application to VDOT to determine whether a commercial entrance is needed. Provide for adequate off-site circulation and traffic controls to provide safe ingress and egress to the gathering without burdening the existing road network or substantially disrupting the normal flow of traffic.
  - b. Adequate provisions for sanitation facilities, garbage and trash collection and disposal, and facilities for providing food and water.
  - c. Identification of any lodging facilities provided for persons at the outdoor entertainment facility shall be provided.
  - d. The sponsors shall provide for adequate medical facilities, fire protection and security of the site.
  - e. Adequate on-site parking shall be provided for all employees and patrons of the gathering. The parking layout shall be determined in advance of the gathering, adequately marked on the site, and shall be supervised during the gathering in such a manner as to provide safe and convenient access to all patrons and employees, and to accommodate emergency service vehicles. In agricultural conservation areas, the parking design shall take steps to minimize impervious surface treatments.
  - f. Any lighting installed for the gathering shall be directed away from adjoining properties. Lighting shall be turned off within one hour of the conclusion of the event and following departure of attendees.



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*Day care center*

General standards:

1. All day care centers shall comply with the minimum standards for day care centers established by the state department of social services, as may be amended, unless specifically exempt from those minimum standards.
2. Parking areas and access driveways at all day care centers shall be designed to allow for the easy and safe drop off and pick up of center attendees. No day care center shall be allowed that causes congestion, or the disruption of traffic flow on adjacent or nearby streets.
3. The administrator shall have the authority to require a special use permit for any day care center, that due to its location and/or parking lot or access driveway design, has the potential to result in congestion, or the disruption of traffic flow on adjacent or nearby streets.

*Family day care home*

General standards: All family day care homes shall comply with the minimum standards for family day care homes established by the state department of social services, as may be amended.

**Kennel, commercial.**

- A. Any structure and/or area occupied by animals (runs, training areas, pens and/or dwelling) shall be no closer than 200 feet to any neighboring residence and set back 50 feet from any property lines.
- B. Any exterior structure and/or area occupied by animals (runs, training areas, pens, etc.) shall be enclosed by a solid fence not less than four feet in height; located within 50 feet of the structure; composed of materials approved by the Zoning Administrator; and, installed within 60 days of approval. If individual cages or enclosures are used to separate individual dogs from other animals, the cage shall accommodate no more than one dog and shall be sized to allow adequate space for movement as follows: The length and width shall be a minimum of three times the dog's length (nose to tail) and a minimum of four feet high.
- C. Animals shall be confined within an enclosed soundproofed, heated and air-conditioned building from 10:00 p.m. to 7:00 a.m. Noise emitting from the enclosure shall be measured at the nearest property line and shall not exceed 55 decibels.
- D. Animals may be kept outside between 7:00 a.m. and 10:00 p.m. Such noise emitting from animals outside shall be measured at the nearest property line and shall not exceed 65 decibels
- E. When adjoining a residential use, landscaping separation buffers and screens shall be provided along the property line as described in § 4-200.3. Such landscaping plan shall be prepared and submitted with the SUP application and installed 90 days after Board approval.
- F. The kennel shall be cleaned of animal waste and disposed of properly. The kennel floor shall be made of poured concrete and hosed off and disinfected daily.

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- G. Upon request, the kennel owner shall provide to the Zoning Administrator copies of inoculation and/or vaccination certificates, including rabies, issued for each dog. Additionally, copies of dog licenses are required as noted under Prince Edward County Code § 10-50.
  - H. The applicant shall meet all Virginia Department of Agriculture and Consumer Services, Virginia Department of Health, and Prince Edward County Animal Control requirements.
  - I. The applicant shall allow agents of the Prince Edward County Planning Department and Prince Edward County Animal Control to inspect the property to ensure compliance.

*Manufactured home sales*

General standards:

1. A perimeter landscaping strip and landscaping shall be provided as required by section 4-200.7 of this ordinance.
2. The storage and/or display of manufactured homes in the perimeter landscaping strip required above shall be prohibited.
3. The storage of used manufactured homes on the premises which are not suitable for occupancy shall be prohibited.

*Mini warehouses*

General standards:

1. The minimum lot size shall be one acre.
2. The minimum front yard setback shall be 30 feet.
3. No security fencing, security gate or other obstruction to vehicle access shall be permitted in the required front yard setback or in any buffer yard required pursuant to section 4-200.3.
4. All interior driveways shall be at least 26 feet wide when cubicles open onto one side only and at least 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 30 foot long single unit truck or moving van. All driveways shall be surfaced pursuant to section 4-300.11.
5. No door openings for any cubicle shall be constructed facing any residentially zoned property.
6. The following uses shall be prohibited:
  - a. Auctions by tenants, commercial wholesale or retail sales or miscellaneous or garage sales.
  - b. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
  - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - d. The establishment of a transfer and storage business.
  - e. The storage of flammable, highly combustible, explosive or hazardous materials shall be prohibited.
7. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties by a ten-foot landscaped area consisting of small evergreen trees and evergreen shrubs.

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8. Accommodations for a live-in manager shall be permitted.
  9. Lighting shall be in accord with section 4-400.1.

*Recreational vehicle sales and service*

General standards:

1. A perimeter landscaping strip and landscaping shall be provided as required by section 4-200.7.
2. The storage and/or display of recreational vehicles in the perimeter landscaping strip required above shall be prohibited.
3. Any recreational vehicle which 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 100 feet from any adjoining residential district.

(Ord. of 10-13-09; Ord. of 12-13-11; Ord. of 3-11-14; Ord. of 1-12-21)

**Sec. 3-100.11. Industrial use types.**

*Asphalt plants*

General standards:

1. A type C buffer yard shall be required in accordance with section 4-200.3.
2. If an asphalt plant is proposed within 1,000 feet of a residential use type, the Administrator shall require that the proposed use apply for and receive a special use permit prior to the plants construction and/or operation. In considering a special use permit request for an asphalt plant, in addition to the general standards listed above, the commission and board of supervisors shall specifically consider and set standards for the following:
  - a. The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height.
  - b. Specific measures to control dust during the construction and operation of the plant.
  - c. 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.

*Meat packing and related industries*

This section shall not be construed to prohibit persons who are actually farmers from killing their own cattle, sheep, swine, goats and fowl for their own family use.

General standards:

1. It shall be unlawful to operate any establishment where animals or fowl, dead or alive, are processed or where food or feed is manufactured or processed, unless such place or establishment is maintained and operated in a clean and sanitary manner at all times.
2. All outside windows, except for those in receiving and feed rooms, should have protection to exclude insects, birds, and other vermin.
3. Total building(s) square footage shall not exceed 20,000 square feet (SF).

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4. No building shall be within 1,000 feet of any residential dwelling or school at the time the facility is established.
  5. All buildings, animal unloading/staging areas shall be a minimum of 50 feet from all property lines.
  6. All operations must be under roof and screened from view from adjoining properties and public streets.
  7. Any outdoor holding pens for animals shall be screened from view.
  8. Noise, light, vibration, or odor associated with the processing operation shall not be perceptible beyond the site boundary/property lines.
  9. All internal roads used for public access shall be of compacted earth, or have a minimum of a four-inch stone base, or shall be paved.
  10. All exterior lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road. All lighting shall be full cut-off type fixtures.
  11. Outdoor storage of dumpster/trash containers shall be situated at the rear of buildings and shall be appropriately screened per Prince Edward Zoning Ordinance, Section 4-200.15.
  12. A type C buffer yard shall be required in accordance with section 4-200.3. Additional buffering and screening may be required as specified by the zoning administrator.
  13. A certified engineer's report is required and shall include a detailed waste management plan.
  14. If applicable and where installed, any septic system shall have an alarm system installed in order to detect any problem or malfunction that may occur.

### **Sec. 3-100.13. Miscellaneous uses.**

#### *Amateur radio tower*

(A) *General standards:*

1. An amateur radio tower shall be considered as an accessory structure and shall comply with the minimum setback requirements for the respective zoning district.
2. More than one tower shall be permitted on a site provided all setback requirements have been met.
3. Amateur radio towers shall only contain antennae and/or communications equipment that are designed for receiving and transmitting amateur radio signals.
4. Amateur radio towers shall be illuminated if required by the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC), but no lighting shall be allowed if not required by either agency.

(B) *Additional standards:* In all zoning districts where amateur radio towers are permitted the following additional standards shall apply:

1. The maximum height permitted by right for an amateur radio tower shall be 75 feet. Any tower which exceeds this height may be permitted only after obtaining a special use permit in accordance with section 5-124 of this ordinance and the additional criteria established under (C) for such permits below.

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(C) Where a special use permit is required by this ordinance, the following criteria shall be considered:

1. In accordance with the FCC's Memorandum Opinion and Order in PRB-1 also known as "Amateur Radio Preemption", 101 FCC2d 952 (1985), local regulation of amateur radio towers shall consider the following:
  - a. The FCC, in regulating and licensing amateur radio stations and operators, is operating under basic federal objectives which preempt certain local regulations which preclude amateur communications.
  - b. Restrictions on the placement, screening, or height of towers based on health, safety or aesthetic considerations must reasonably accommodate amateur communications.
  - c. Restrictions must represent the minimum practicable regulation to accomplish the purpose of the district in which the tower is proposed, as well as the purpose of this ordinance as contained in section 1-104.
2. The specific height of the amateur radio tower shall be established as a condition of the special use permit.

#### *Outdoor gatherings*

General standards:

1. As part of the application for a special use permit the petitioner shall submit information indicating the individuals and/or parties sponsoring the event, the nature of the gathering, the events, displays and/or entertainment scheduled, the number of tickets to be sold, an estimate of the total number of people expected to attend, and the dates for which the permit is requested.
2. In addition, a detailed plan shall be submitted of all facilities to be provided in accordance with the following guidelines:
  - a. Adequate provisions for sanitation facilities, garbage and trash collection and disposal, and facilities for providing food, water and lodging for persons at the gathering shall be provided.
  - b. The sponsors shall provide for adequate medical facilities, fire protection and security of the site.
  - c. Adequate on-site parking shall be provided for all employees and patrons of the gathering. The parking layout shall be determined in advance of the gathering, adequately marked on the site and shall be supervised during the gathering in such a manner as to provide safe and convenient access to all patrons and employees, and to accommodate emergency service vehicles.
  - d. Adequate off-site circulation and traffic controls to provide safe ingress and egress to the gathering without burdening the existing road network or substantially disrupting the normal flow of traffic.
  - e. Any lighting installed for the gathering shall be directed away from adjoining properties.
  - f. The level of any music and other noise created by the gathering shall be directed away from any adjoining residence and may be specifically limited by the board of supervisors.

#### *Towers*

- (A) *Intent:* These minimum standards are intended to govern the location of all towers and the installation of antennas and accessory equipment structures.
- (B) Towers, with related unmanned equipment buildings, shall be permitted only by special use permit in zoning districts as specified in article II, District Regulations. Applicants are encouraged to consider properties owned by the county when locating towers.

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(C) *General standards:*

1. No tower or related facilities shall be located within 500 feet of any residential district.
2. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of supervisors that no existing tower or structure can accommodate the proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
  - a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - c. Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna or related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with existing antenna, or the antenna on the existing towers, or structures would cause interference with the applicants proposed antenna.
  - e. The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
3. No tower shall exceed 199 feet in height, including antennas.
4. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FCC or FAA, be painted a neutral color.
5. At any tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and the built environment. The related unmanned equipment structure shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the requirements of the zoning district in which located.
6. Towers shall not be artificially lighted, unless required by the FCC or FAA. If lighting is required, the board of supervisors may review the available lighting alternatives and approve the design that would cause the least disturbances to surrounding views.
7. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers. If such standards and regulations are changed, then the owners of the tower governed by this section shall bring such structures into compliance with such revised standards as required by above named agencies. Failure to bring a tower into compliance with such revised standards and regulations as required by above named agencies shall constitute grounds for the revocation of the special use permit, and removal of the tower at the owner's expense.
8. The owner of any tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.
9. Each applicant requesting a special use permit for a new tower shall submit two copies of a scaled site plan and a scaled elevation view and other supporting drawing, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, height requirements, setbacks, drives, parking, fencing, landscaping, easements, adjacent uses, and any other information deemed necessary by the county to assess compliance with the regulations of this ordinance.

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Additionally the applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed monopole or tower. The photograph with the simulated image shall include the foreground, the mid-ground, and the background of the site.

10. An engineering report, certifying that the proposed tower and site are compatible for co-location with a minimum of three similar users including the primary user, must accompany the application. The applicant shall provide copies of their co-location policy.
11. Local government access. Owners of towers shall provide the county co-location opportunities without compensation as a community benefit to improve radio communications for county departments and emergency services, provided it does not conflict with the co-location requirements of this section.
12. In addition to any reasonable application fees established by board of supervisors, the applicant shall be financially responsible for the cost of any professional engineering and or related services that may be procured by the county to independently verify the application information submitted by the applicant.
13. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.
14. Towers shall be enclosed by security fencing not less than six feet high and shall be equipped with an appropriate anti-climbing device.
15. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaping strip of at least four feet wide outside the perimeter of the compound. Existing mature tree growth and natural land form on the site shall be preserved to the maximum extent possible.
16. Any tower that is not operational for a continuous period of 90 days shall be considered abandoned, and the owner of such tower shall remove same within 90 days of receipt of notice from the building official or county administrator notifying the owner of such removal requirement. Removal includes the removal of the tower, all subterranean tower and fence footers, underground cables and support buildings. The buildings may remain with the approval of the landowner. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the county may require the landowner to have it removed. In all cases, the site shall be returned as closely as possible to its original conditions.
17. Every applicant for a special use permit for a tower shall, as a condition for the issuance of the special use permit, file with the building official a continuing bond in the penal sum of not less than \$10,000.00 and conditioned for the faithful observance of the provisions of this ordinance and all amendments thereto, and of all the laws and ordinances relating to towers, and which shall indemnify and save harmless the county from any and all damages, judgments, costs, or expenses which the county may incur by reason of the removal or the causing to be removed any tower as provided for in this section.

*Truck terminal and truck yard facilities*

General standards:

1. To provide for the safe and orderly use of land for parking, servicing, repairing or storage of trucks in active use in a manner that minimizes adverse environmental impacts of such a use upon the surrounding area

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2. The site design shall mitigate existing and potential noise, dust, fumes, traffic, and other adverse environmental impacts affecting neighboring residential and commercial areas. Techniques may include, but are not limited to, walls, fences, buffer zones, landscaping and other mitigating measures.
  3. Factors such as adequate paving, striping of truck parking stalls, adequate site drainage, and lighting should be used to ensure safe operation of the facility.
  4. The site shall, to the extent reasonably feasible, be located so as to provide for direct vehicular ingress and egress to a primary public route.
  5. All habitable structures shall be placed on a permanent foundation.
  6. Nothing contained herein shall be deemed to authorize or permit the storage of hazardous materials, substances or wastes which are capable of posing an unreasonable risk to health, safety, or property.
  7. Trucks and permitted storage shall not be stored within five feet of any required screening wall.
  8. Truck parking and permitted storage shall be arranged in parallel rows and shall be striped.

(Ord. of 6-14-12; Ord. of 1-14-14)

### **Sec. 3-102. Accessory uses and structures.**

As defined in section 6-100 accessory uses and structures may be commonly found and associated with principal use types. Principal uses which are allowed by right or by special use may include accessory uses and activities, provided such accessory uses and activities are appropriate and incidental to the principal use, and provided they are designed and located in accordance with the intent and provisions of this ordinance.

#### **Sec. 3-102.1. Accessory uses—Agricultural use types.**

Agricultural use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking associated with a principal use.
2. The storage of agricultural equipment, products, or materials associated with the principal use.
3. Temporary sawmills.
4. Other uses and activities necessarily and customarily associated with the purpose and function of agricultural use types, as determined by the Administrator.

#### **Sec. 3-102.3. Accessory uses—Residential use types.**

Residential use types may include the following accessory uses, activities or structures on the same site or lot:

1. Private garages and parking for the principal use.
2. Recreational activities and uses used by residents, including structures necessary for such uses.
3. Playhouses, gazebos, incidental household storage buildings, swimming pools, and other similar accessory structures.
4. Garage or yard sales provided that such sales occur no more than seven days in a two month period.
5. Other uses and activities necessarily and customarily associated with purpose and function of residential use types, as determined by the administrator.

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### **Sec. 3-102.5. Accessory uses—Civic use types.**

Civic use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking for the principal use.
2. Accessory dwellings commonly associated with or necessitated by the location and operation of the principal use.
3. Food services operated incidental to the principal use and operated primarily for the convenience of employees, residents or users of the principal use. Typical examples include cafeterias and dining halls.
4. Convenience commercial facilities clearly incidental to the principal use and operated primarily for the convenience of employees, residents, and users of the principal use. Typical examples include museum gift shops, college bookstores, or snack bars clearly incidental to the principal use.
5. Other uses and activities necessarily and customarily associated with the purpose and function of civic use types, as determined by the administrator.

### **Sec. 3-102.7. Accessory uses—Office use types.**

Office use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking for the principal use.
2. Recreational facilities available only to the employees of the office use type.
3. Day care facilities available only to the employees of the office use type.
4. Other uses and activities necessarily and customarily associated with the purpose and function of office use types, as determined by the administrator.
5. One accessory dwelling unit occupied by employees responsible for the security of the use.

### **Sec. 3-102.9. Accessory uses—Commercial use types.**

Commercial use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking for the principal use.
2. Accessory storage buildings or areas.
3. One accessory dwelling unit occupied by employees responsible for the security of the use.
4. Other uses and activities necessarily and customarily associated with the purpose and function of commercial use types, as determined by the administrator.

### **Sec. 3-102.11. Accessory uses—Industrial use types.**

Industrial use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking for the principal use.
2. Recreational facilities available only to the employees of the industrial use type.
3. Day care facilities available only to the employees of the industrial use type.
4. Cafeterias and sandwich shops available only to the employees of the industrial use type.

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5. Incidental retail sale of goods associated with the industrial use type provided the square footage does not exceed ten percent of the gross floor area or 3,000 square feet, whichever is less.
  6. One accessory dwelling unit occupied by employees responsible for the security of the use.
  7. Other uses and activities necessarily and customarily associated with the purpose and function of industrial use types, as determined by the administrator.

### **Sec. 3-104. Signs and sign placement.**

In general it is expected that an identifying sign will be associated with any commercial activity, and such signs are a permitted use within the design standards indicated in this section. Some types of signs require more detailed specification, and those are indicated as requiring a special use permit. These regulations apply to all signs and their appurtenances that are visible from the outside of buildings. No sign shall be permitted which is not accessory to the business conducted on the property. In addition, public service noncommercial signs and markers such as highway signs and historical markers, and the flags of the United States and the commonwealth, are necessary or desirable in numerous locations, and the placement of those is not regulated by this section. Specific terms used in this section are defined in section 6-100.

(Ord. of 7-8-14)

#### **Sec. 3-104.1. Sign placement and general provisions.**

1. No sign may be placed within the right-of-way of a highway or street, other than duly authorized governmental signs.
2. No sign may be placed off the immediate platted lot of the business or civic use without a special use permit.
3. No sign may be placed so as to impair vision at an intersection or sharp highway curve.
4. All signs shall be maintained in good condition at all times. The pedestal of any sign may not be wood unless it is clad with vinyl or metal, painted, or stained.
5. No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
6. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor interfere with the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
7. Storefront windows: no more than 25 percent of the glass area may be covered by signs. This is recommended by emergency response personnel to provide sight into building.
8. Temporary signs are permitted in all districts as follows:
  - (a) Temporary signs warning of construction, excavation, or other hazard, for as long as the hazard shall exist;
  - (b) The official flag of a government, governmental agency, public institution, religious body, or other similar entity, or flags flown on a temporary basis for the purpose of honoring holidays. Flags may also be used as part of a permanently maintained entrance or inner design feature of a residential or commercial development, provided that the number of flags is no more than three. Flagpoles must conform to the location and height requirements of the district in which they are located;

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- (c) Signs in the nature of seasonal decorations, clearly associated with a national, local, or religious holiday;
  - (d) Temporary signs such as event signs or political election signs must be removed within 15 days of the event or election.

9. Any business closing operations must remove its signs within 12 months.

(Ord. of 7-8-14)

### **Sec. 3-104.5. Signs—Agricultural conservation district.**

The agricultural conservation district encourages agriculture, forestry, very low density residential development, and related uses. It is not desirable to erect numerous signs in the pastoral setting provided in the agricultural conservation district.

For any commercial or civic-use activity by right or by special-use permit in the agricultural conservation district, sign uses are as in section 3-104.1 above and as follows:

*Permitted:*

1. No more than two of the following may be used for a single business location.
2. Monument signs not exceeding four feet in height and 24 square feet in size, not more than one per business operation.
3. Storefront signs not exceeding four feet in height and 16 feet in width, not more than one per business operation.
4. Projecting signs not exceeding 24 square feet, not more than one per business operation.
5. Pole signs not exceeding 40 square feet placed with the bottom no more than six feet from the ground, not more than one per business operation.

*Special use:*

1. Illuminated signs.
2. Banner signs.
3. Animated, electronic, or air-filled signs.
4. Outdoor neon signs.
5. Pole signs with a maximum height exceeding 12 feet. No pole sign may have a maximum height more than six feet higher than the business building to which it relates.

(Ord. of 7-8-14)

### **Sec. 3-104.7. Signs—Agricultural residential district.**

This district is intended to be the location of most new residential development in the county. Agriculture, forestry and related uses are also allowed within A2 districts.

For any commercial or civic-use activity by right or by special-use permit in the agricultural residential district, sign uses are:

*Permitted:* No more than two of the following may be used for a single business location:

(Supp. No. 1)

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1. Monument signs not exceeding four feet in height and 32 square feet in area, not more than one per business operation. Monument signs which are integrated into a brick, stone, or wood architectural feature or an earthen berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet.
  2. Storefront signs not exceeding four feet in height and 16 feet in width, not more than one per business operation.
  3. Projecting signs not exceeding 24 square feet, not more than one per business operation.

*Special use:*

1. Illuminated signs.
2. Banner signs.
3. Pole signs. No pole sign may have a maximum height more than six feet higher than the business building to which it relates.

(Ord. of 7-8-14)

**Sec. 3-104.9. Signs—Other residential districts (R1, R2, R3).**

No commercial uses are permitted in these districts (gasoline station and convenience store by special use permit (SUP) only); accordingly, no commercial signs are allowed except by SUP and will be reviewed as part of the site plan for construction. However, civic-use signs such as those for community organizations, schools, or churches may be placed under the same conditions as those for the agricultural residential district in section 3-103.2.

Large residential signs may be permitted at the main entrances to a subdivision, planned unit or multi-family development. One sign may be permitted on either side of the entrance if such sign is on private property. Signs shall not exceed 50 square feet in area. Sign should be an identification sign only, limited to the name of development on site.

(Ord. of 7-8-14)

**Sec. 3-104.11. Signs—General commercial district.**

For any commercial or civic-use activity by right or by special-use permit in the general commercial district, sign uses are as permitted in section 3-104.1 above and as follows:

*Permitted:* No more than two of the following may be used for a single business location.

1. Monument signs not exceeding four feet in height and 32 square feet in area, not more than one per business operation. Monument signs which are integrated into an attractive brick, stone, or wood architectural feature or an earthen berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet;
2. Storefront signs not exceeding six feet in height and 24 feet in width, not more than one per business operation.
3. Projecting signs not exceeding 40 square feet, not more than one per business operation.
4. Pole signs not exceeding 40 square feet placed with the sign's bottom no more than eight feet from the ground, not more than one per business operation. Signs exceeding 16 feet in height or the height of the building, whichever is less, require a special use permit.

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5. Directory signs may be utilized by a commercial complex subject to the same size requirements as monument or pole signs with each occupant being entitled to one directory panel.
  6. Illuminated signs.

*Special use:*

1. Banner signs.
2. Animated or electronic signs.
3. Outdoor neon signs.
4. Pole signs with a maximum height exceeding 16 feet or the height of the building, whichever is less. No pole sign may have a maximum height more than six feet higher than the business building to which it relates.

(Ord. of 7-8-14; Ord. of 9-8-15)

### **Sec. 3-104.13. Signs—General industrial district.**

For any commercial or civic-use activity by right or by special-use permit in the general industrial district, sign uses are as permitted in section 3-104.1 above and as follows:

*Permitted:* No more than two of the following may be used for a single business location.

1. Monument signs not exceeding four feet in height and 32 square feet in area, not more than one per business operation. Monument signs which are integrated into an attractive brick, stone, or wood architectural feature or an earthen berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet.
2. Storefront signs not exceeding six feet in height and 144 square feet in area, not more than one per business operation.
3. Projecting signs not exceeding 60 square feet, not more than one per business operation.
4. Pole signs not exceeding 40 square feet placed with the bottom no more than six feet from the ground, not more than one per business operation. Pole signs may not exceed a height of 16 feet except by special use permit. No pole sign may have an overall height more than six feet higher than the building to which it relates.
5. Illuminated signs.

*Special use:*

1. Banner signs.
2. Animated or electronic signs.
3. Outdoor neon signs.
4. Pole signs with a maximum height exceeding 16 feet. No pole sign may have a maximum height more than six feet higher than the business building to which it relates.

(Ord. of 7-8-14; Ord. of 9-8-15)

## **ARTICLE IV. DEVELOPMENT STANDARDS**

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### **Sec. 4-100. Site plan review.**

- (A) A site plan shall be required and shall be submitted to the county for each of the following:
1. All new development in every zoning district except for single family dwellings which are not located within a dam break inundation zone, and structures used solely for agricultural purposes except where required by the provisions of section 3-100.1 regarding commercial feedlots.
  2. The conversion of any single family dwelling to any other use or to a higher intensity residential use.
  3. Additions or modifications to buildings or sites, except single family dwellings, if said addition or modification results in a 500 square foot or greater increase in impervious surface area of the site.
  4. The conversion of any property from fee simple ownership to a condominium form of ownership.
  5. The conversion of any building or property to a different use category, e.g., commercial to industrial.
  6. For any development proposed within the boundaries of a dam break inundation zone.
- (B) All required site plans shall be prepared by a professional engineer, or land surveyor, who is registered by the commonwealth. The administrator may waive this requirement if the type, scale or location of the proposed development does not necessitate such plans.
- (C) A plot plan that meets the standards contained in section 4-400.3 of this ordinance shall be required for all uses or development not requiring a site plan.

(Ord. of 11-14-13)

### **Sec. 4-102. Preliminary site plans.**

- (A) Applicants for site plan approval shall submit a preliminary site plan to the county for review and approval prior to preparing a final site plan. The preliminary site plan shall show the general location of all existing and proposed land uses and site features. Specifically it shall include the following information:
1. The name and location of the proposed development.
  2. The boundary of the entire tract showing distances and bearings.
  3. The name and address of the property owner and or developer of the site, if different than the owner. The name and address of the person or firm preparing the plan.
  4. Area and present zoning of the site proposed for development.
  5. Adjacent and abutting properties with information on ownership, zoning and current use.
  6. Location of the lot or parcel by vicinity map. Site plans shall also contain a north arrow, original date, revision dates and graphical scale.
  7. The names and locations of existing and proposed public or private streets, alleys, and easements on or adjacent to the site. The center lines or boundary of adjacent rights-of-way shall also be shown.
  8. The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.
  9. The existing topography of the parcel prior to grading, and the proposed finished contours of the site with a maximum of two-foot contour intervals.
  10. The location of any 100-year flood plain and floodway on the site, and the relationship of buildings and structures to this floodplain and flood way.

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11. Location of any dam break inundation zone for an affected impounding structure. The site plan shall also provide the name and address of the dam owner. "Owner" means the owner of the land on which a dam is situated, the holder of an easement permitting the construction of a dam and any person or entity agreeing to maintain a dam.
  12. The location of existing and proposed freestanding signs on the parcel.
  13. The location and type of proposed exterior site lighting, including height of poles and type of fixtures.
  14. The location of required or proposed buffer yards, screening, fencing, and site landscaping. The type and size of the plant materials and screening to be used shall be provided. In addition, the relationship of these materials to physical site improvements and easements shall be provided.
- (B) The county shall review the preliminary site plan and shall advise the applicant whether or not the features and uses shown on the preliminary plan generally conform to the provisions of this ordinance and any other applicable county ordinance and requirement. If the features and uses shown on the preliminary plan generally conform to the provisions of this ordinance, the county shall advise the applicant of the approval of the preliminary plan and shall authorize the applicant to prepare and submit a final site plan. If the features and uses shown on the preliminary plan do not conform to the provisions of this ordinance, the county shall advise the applicant in writing, and shall advise the applicant on what changes to the preliminary plan are necessary prior to approval.
- (C) If it is determined that there are potential impacts of a proposed development within a dam break inundation zone according to the map on file with the planning department then the applicant must notify the dam owner and within ten days forward a request to the Department of Conservation and Recreation (DCR) to make a determination of the potential impacts of the proposed development on the spillway design flood standards required of the dam. If a locality has not received a determination within 45 days of the DCR's receipt of the request, the locality shall complete its review (Code of Virginia, § 10.1-606.3 ). If DCR determines that the plan of development would change the spillway design flood standards of the impounding structure, the locality shall not permit development in the inundation zone unless the developer or subdivider agrees to alter the plan of development to prevent changes to the spillway standards or contributes payment to the necessary upgrades to the affected impounding structures pursuant to Code of Virginia, § 15.2-2243.1 .

(Ord. of 11-14-13)

#### **Sec. 4-104. Final site plans.**

- (A) Every final site plan submitted in accordance with the requirements of this ordinance shall show the following information unless the administrator determines that such information is not necessary to ensure conformance with county ordinances or standards:
1. Location of the lot or parcel by vicinity map. Site plans shall also contain a north arrow, original date, revision dates and graphical scale.
  2. Property lines of the parcel(s) proposed for development, including the distances and bearings of these lines. If only a portion of a parcel is proposed for development, a limits of development line shall also be shown.
  3. The name and address of the property owner and or developer of the site, if different than the owner. The name and address of the person or firm preparing the plan.
  4. The tax parcel number(s) of parcels proposed for development and depicted on the site plan.

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5. The name of adjacent property owners and the owners of any property on which any utility or drainage easement may be required in conjunction with the development. Tax parcel numbers for each of these properties shall also be provided.
  6. The nature of the land use(s) proposed for the site.
  7. The zoning district designation of the parcel(s) proposed for development, and the zoning designation and current land use of adjacent parcels.
  8. The names and locations of existing and proposed public or private streets, alleys, and easements on or adjacent to the site. The center lines or boundary of adjacent rights-of-way shall also be shown.
  9. The location, type, and size of site access points such as driveways, curb openings, and crossovers. Sight distances at these access points shall be provided. If existing median cuts will serve the site they shall be shown. If new median cuts are proposed, their location shall also be shown.
  10. The average daily traffic expected to be generated by the proposed development.
  11. All proffers accepted pursuant to section 5-122 shall be shown on the plan.
  12. Off-street parking areas and parking spaces including handicapped spaces, loading spaces, and walkways indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this ordinance.
  13. The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.
  14. The number of stories, floor area, and building height of each building proposed. If more than one land use is proposed, the floor area of each land use shall be provided. Floor area shall be calculated on the basis of parking required for the use(s), as specified in section 4-300.17.
  15. For 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.
  16. The location of proposed or required fire lanes and signs.
  17. The existing topography of the parcel prior to grading, and the proposed finished contours of the site with a maximum of two-foot contour intervals.
  18. Detailed utility plans and calculations shall be submitted for sites for which public water or sewer will be provided or for sites on which existing utilities will be modified.
  19. An erosion and sediment control plan and detail sheet shall be submitted for site developments involving land disturbance of greater than 10,000 square feet of area, or 1,000 cubic yards of material. Land disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be exempt from this provision if the total land disturbing activity will equal or be greater than 10,000 square feet.
  20. A detailed storm water management plan and calculations shall be submitted.
  21. The location of existing and proposed freestanding signs on the parcel.
  22. The location and type of proposed exterior site lighting, including height of poles and type of fixtures.
  23. The location of any 100-year flood plain and floodway on the site, and the relationship of buildings and structures to this floodplain and floodway.
  24. Location of any dam break inundation zone for an affected impounding structure. The site plan shall also provide the name and address of the dam owner. "Owner" means the owner of the land on which

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a dam is situated, the holder of an easement permitting the construction of a dam and any person or entity agreeing to maintain a dam.

25. The location of required or proposed buffer yards, screening, fencing, and site landscaping. The type and size of the plant materials and screening to be used shall be provided. In addition, the relationship of these materials to physical site improvements and easements shall be provided.

(Ord. of 11-14-13)

#### **Sec. 4-106. Format of plans.**

- (A) Site plans shall be submitted on sheets no greater in size than 36 inches by 42 inches. The scale of the plans shall not be greater than one inch equals ten feet (1" = 10'), or less than one inch equals 50 feet (1" = 50'). Plans shall be designed using an engineering scale. The administrator may approve a lesser scale such as 1" = 100' provided sufficient detail is provided to ensure compliance with all applicable requirements of this ordinance and any other requirement or ordinance of the county or commonwealth.
- (B) If more than one sheet is used to supply the information required by this ordinance, sheets shall be numbered, and match lines shall be provided, when appropriate, to clearly indicate where the plans join.
- (C) Prior to final approval by the county, site plans shall be signed by the owner or developer of the parcel(s) proposed for development. The signature shall certify that the owner/developer is aware of the site design requirements imposed by the site plan and other applicable county ordinances, and shall further certify that the owner/developer agrees to comply with these requirements, unless modified in accordance with local law.

#### **Sec. 4-108. Administrative procedures and requirements.**

- (A) The administrator shall have the administrative authority to establish county procedures for site plan review and approval. No procedure so established shall set a lesser standard than is legislated in this ordinance.
- (B) The administrator shall coordinate the county review of any site plan submitted in accord with county administrative procedures, and shall have the authority to request opinions or decisions from other county departments, agencies or authorities of the commonwealth, or from other persons as may from time to time be consulted.
- (C) A minimum of three complete sets of site plans shall be submitted for review. A review fee shall be required for any site plan submitted. The county shall establish procedures for the collection of these fees.
- (D) The county shall review, and approve or disapprove any site plan submitted for its review within 45 days of the filing of the plan with the county. If an unapproved site plan is returned to the applicant or other agent of the property owner, due to lack of required information on the plan, or because the design or standards proposed on the site plan do not meet the provisions of this ordinance or other applicable county standards, the 45-day time period shall begin again with the resubmittal of the plan to the county.
- (E) Approval of a final site plan pursuant to the provisions of this ordinance shall expire five years from the date of approval in accordance with Code of Virginia, § 15.2-2261, unless building and/or zoning permits have been obtained for the development.
- (F) No building or zoning permit shall be issued by any county official for any building, structure or use depicted on a required site plan, until such time as the plan is approved by the county.
- (G) No change, revision, or erasure shall be made on any pending or approved site plan, nor on any accompanying data sheet where approval has been endorsed on the plan or sheets, unless authorization for

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such changes is granted in writing by the administrator. The administrator shall consult with all applicable departments or agencies prior to approving the change.

**Sec. 4-110. Minimum standards and improvements required.**

- (A) Any improvement required by this ordinance, or any other ordinance of the county shall be installed at the cost of the developer unless other agreements have been reached between the developer, the county, the state department of transportation, and/or any other governmental agency.
- (B) Prior to the approval of a site plan the applicant shall execute an agreement to construct required or proposed improvements located within public rights-of-way or easements or any such improvement connected to any public facility. The applicant shall also file a performance guarantee with surety acceptable to the county in the amount of the estimated cost of the improvements plus ten percent contingency, as determined by the county. The owner's performance guarantee shall not be released until the construction has been inspected and accepted by the county.
- (C) Proposed lot sizes, buildings or uses shown on site plans shall conform to the provisions of this ordinance. Nonconforming lots of record, buildings or uses may be developed in accordance with section 5-126 of this ordinance.
- (D) Proposed parking areas, travel lanes and access drives shown on site plans shall be designed, located and constructed in accord with section 4-300 of this ordinance.
- (E) Utilities shown on site plans shall conform to applicable county standards.
- (F) Stormwater management facilities shown on site plans shall conform to applicable county ordinances and/or those of the commonwealth. A maintenance plan for facilities shall be provided.
- (G) Erosion and sedimentation control plans shall be designed and implemented in accord with the provisions of chapter 46, article III of the Prince Edward County Code.
- (H) Proposed exterior site lighting shall be in accord with section 4-400.1 of this ordinance.
- (I) Required buffer yards, screening and/or landscaping shown on site plans shall be designed and located in accord with section 4-200 of this ordinance.

**Sec. 4-200. Buffer yards and screening and landscaping.**

Intent: It is the intent of these provisions to promote the public health, safety and welfare by reducing common conflicts associated with incompatible abutting land uses. It is also the intent of these provisions to promote the protection of the natural environment through plantings that absorb gaseous emissions and improve air and water quality. To the ends, these requirements seek to ease transition among different uses by reducing noise, glare, dust and overcrowding, redirecting emissions, confining litter, maintaining property values, protecting neighborhood character, promoting visual harmony, restricting passage, promoting peaceful enjoyment and privacy and enhancing the natural environment. Further, the requirements seek to encourage innovation in landscape and architectural design.

**Sec. 4-200.1. General requirements.**

These provisions shall apply to all developments requiring a site plan as specified by section 4-100 of this ordinance. All required landscape plans shall be prepared by a licensed professional knowledgeable of plant materials and landscape design. The county encourages the use of native species.

**Sec. 4-200.3. Buffer yards.**

- (A) Buffer yards containing specified screening and plantings shall be required between zoning districts of different intensities as shown in table 1. For each required buffer type, the developer of the site shall choose which option to install. Buffer yards shall be installed in the higher intensity zoning district.
- (B) Required buffer yards shall be located such that they provide a visual and physical barrier between abutting zoning districts of different intensities and shall buffer and screen all exterior storage, service, refuse, maintenance, repair, processing, salvage, parking, and other similar areas. No use of the site may be extended beyond the required buffer yard.
- (C) Required buffer yards shall not be located on any portion of any existing or dedicated public or private street or right-of-way, shall not obstruct the visibility of traffic circulation, and shall not interfere with the use of adjoining properties.

*Table 1. Buffer Yard Requirements*

Site Zoning	Adjoining Zoning				
	A1	A2	R1	R2	R3
	Category of Buffer Yard Required				
A1	*	*	*	*	*
A2	*	*	*	*	*
R1	*	*	*	*	*
R2	B	C	C	*	*
R3	B	C	C	B	*
C1	C	B	B	A	A
I1	C	C	C	C	C

Type of Buffer Yard	Option 1	Option 2
A	Six-foot screening	Five-foot buffer yard, one row of evergreen shrubs
B	Eight-foot buffer yard, one row of small evergreen trees, one row of evergreen shrubs	15-foot buffer yard, one row of small evergreen trees
C	15-foot buffer yard, one row of large evergreen trees, one row of small evergreen trees	25-foot buffer yard, one row of large evergreen trees

- (D) Required buffer yards, including screening and plantings shall be in place at the time of any occupancy or use of the property. Required plantings may be installed at the beginning of the first opportune planting season after any occupancy or use of the property.
- (E) The buffer yard shall be reserved solely for screening and plantings, except for required pedestrian or vehicular access driveways to the property, passive recreation areas, or pedestrian or bicycle trails, which can be accommodated in a manner that preserve the intended screening function between abutting zoning districts of different intensities. In no case shall any portion of a required buffer yard be used for parking, service, refuse, storage, maintenance, or any other use that impairs the intended buffer function.



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- (F) The property owner or lessee shall have the responsibility to continuously maintain the required buffer yards, screening and plantings such that they continue to meet the specified standards and intent of this section. All materials shall present an attractive appearance and be of durable construction.

**Sec. 4-200.5. Standards for buffer yard planting and screening.**

- (A) Planting required by this section shall be provided in accordance with the following standards:
1. Where required, all evergreen shrubs shall have a height of at least 24 inches at the time of planting and an ultimate height of six feet or more. One such shrub shall be planted for each three linear feet of buffer yard. Some evergreen shrubs that meet these standards are various types of hollies, yews, and junipers.
  2. Where required, each small evergreen tree shall have a height of at least four feet at time of planting and an ultimate height of 15 feet or greater. One such tree shall be planted for each five linear feet of buffer yard. Some small evergreen trees that meet these standards are various types of pines, hollies, upright arborvitae and junipers.
  3. Where required, each large evergreen tree shall have a height of at least six feet at the time of planting and an ultimate height of 50 feet or greater. One such tree shall be planted for each 15 linear feet of buffer yard. Some large evergreen trees that meet these standards are various types of pines, firs and hemlocks.
  4. Existing evergreen trees and shrubs which meet the requirements of this section may be counted as contributing to total planting requirements.
  5. All portions of buffer yard areas not containing plantings shall be seeded with lawn grass or other approved vegetative ground cover.
- (B) Screening required by this section shall be provided in accordance with the following standards:
1. Screening shall be visually opaque and shall be constructed of a durable material. It shall be installed within the required buffer yard, and shall be continuously maintained.
  2. Acceptable screening materials shall include stockade fences, decorative masonry walls, brick walls, and earth berms. Alternate materials may be approved, if in the opinion of the administrator, their characteristic and design meet the intent and standards of this section.

**Sec. 4-200.7. Perimeter landscaping standards for sites and parking lots.**

- (A) When a new, expanded, or reconfigured parking area is required or proposed adjacent to a public street right-of-way, a landscaped planting strip shall be established between the parking area and the adjacent street right-of-way. This required landscaped planting strip shall have a minimum width of eight feet.
- (B) Within the required landscaped planting area, one deciduous tree shall be planted for each 30 linear feet of landscaped area. All trees planted shall have a clear trunk height of six feet and shall have a minimum caliper of two inches at the time of planting.
- (C) When buffer yards as specified in this section are not required, an eight foot wide landscaped planting strip shall be provided between all parking areas and adjacent properties. Within the required landscaped planting area, one deciduous tree shall be planted for each 30 feet of landscaped area. All trees planted shall have a minimum caliper of 2 inches at the time of planting.

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#### **Sec. 4-200.9. Use of existing woodland areas.**

In cases where quality woodland exists, preservation of existing trees between the building site, and/or parking lot and the adjoining right-of-way or property is encouraged and may be substituted for landscaping requirements at the discretion of the administrator.

#### **Sec. 4-200.11. Conflicting requirements.**

When buffering, screening or planting requirements are required by a conditional rezoning, or a special use permit approved after the effective date of this ordinance, and said requirements are in conflict with the requirements contained herein, the more restrictive requirements shall apply.

#### **Sec. 4-200.13. Nonconforming uses and sites.**

Any lot or parcel of land having a lawful use that does not conform with the buffering, screening and landscaping provisions for this section shall be required to comply with these provisions if:

1. The lawful use is discontinued for more than two years, or,
2. The lawful use is replaced in whole or in part by a higher intensity use type, e.g. commercial to industrial, or
3. The associated building or structure containing the lawful use is removed, or,
4. The associated building or structure containing the lawful use is enlarged, extended, reconstructed or structurally altered to the extent that costs exceed 25 percent of the building's or structure's fair market value prior to any improvement. For purpose of this section, all costs incurred from enlargement, extension, reconstruction or structural alteration of such structure during a three-year period shall be included in determining whether the costs of such improvements exceed 25 percent of the fair market value.

#### **Sec. 4-200.15. Additional requirements for exterior storage, refuse disposal, etc.**

Any exterior area used for storage, service, maintenance, repair, processing, manufacturing, fabrication, salvage, refuse disposal, or other similar use that is visible from a public street right-of-way or adjoining property, shall be screened with a buffer yard, screening and plantings meeting type A option 1 standards listed in this section, and shall be provided in a manner which screens the use from view. Any area so used shall also be similarly screened from view of adjoining residences and business.

#### **Sec. 4-300. Off-street parking requirements.**

These provisions for off-street parking are intended to address the off-street parking demands created by various land uses within the county. The standards established in this section are designed to protect the health safety and welfare of the county community by accommodating parked vehicles in a safe and functional manner with consideration given to the stormwater quality and quantity impacts of impervious parking areas.

#### **Sec. 4-300.1. Applicability.**

These provisions shall apply equally for all use types listed in this section.

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### **Sec. 4-300.3. General regulations.**

All required off-street parking shall be located on the same lot as the use requiring the parking, except under the following conditions:

1. Required parking spaces are on a contiguous lot under the same ownership or in a permanent parking easement on contiguous property. Contiguous lots providing parking for more than one use shall provide sufficient spaces to comply with the parking requirements for all uses.

### **Sec. 4-300.5. Disabled parking.**

Site plans, as required by section 4-100 shall provide for parking spaces reserved for the disabled. The number of spaces provided shall be as required by the Virginia Uniform Statewide Building Code.

### **Sec. 4-300.7. Permitted locations.**

- (A) All required or provided off-street parking spaces located on the ground and not within a parking structure, may be located within any required yard unless the yard is required for screening, buffering, or landscaping as provided by this ordinance.
- (B) All parking structures and carports shall comply with the minimum yard and setback requirements applicable in the zoning district where the structure is located.

### **Sec. 4-300.9. Access.**

- (A) All off-street parking spaces shall provide safe and convenient access to a street.
- (B) Aisles between rows of parking, and aisles providing access to parking lots shall comply with the design standards established by the USBC (Uniform Statewide Building Code).

### **Sec. 4-300.11. Construction standards.**

All off-street parking areas shall be constructed of a gravel, asphalt, porous pavement, surface treatment, or concrete surface as follows:

1. Off-street parking areas in excess of 5,000 square feet shall be constructed of a surface consisting of asphalt, porous pavement, surface treatment or concrete.
2. Off-street parking areas of 5,000 square feet or less shall be constructed of any of the materials listed above, except that gravel parking areas shall not be permitted, unless the area devoted to parking is less than 2,500 square feet or the Administrator determines that the use for which the parking is provided is of a temporary nature.
3. Gravel or other pervious paving materials may be considered as a special condition.

(Ord. of 3-11-14)

### **Sec. 4-300.13. Parking space dimensions.**

All required or provided parking spaces shall have a minimum width of nine feet and a minimum depth of 20 feet except as follows:

1. When parking spaces are adjacent to landscaped areas, the depth of such spaces may be decreased by two feet to provide for vehicle overhang area.
2. Spaces for compact vehicles may comprise up to 20 percent of required spaces. Compact spaces shall be located in groups of five or more contiguous spaces and may have a minimum width of eight and one-half feet and a minimum depth of 18 feet.

**Sec. 4-300.15. Criteria for determining required parking.**

- (A) When a building includes a combination of uses, the required parking will be the sum of the required parking for each use, or as determined by the administrator.
- (B) Where the parking requirement for a use is not defined in this section, and no similar use is listed, the administrator shall determine the number of spaces to be provided.
- (C) All references to square feet in the parking requirements below shall refer to gross square feet.
- (D) All references to maximum occupancy shall refer to maximum occupancy as defined by the Virginia Uniform Statewide Building Code.

**Sec. 4-300.17. Minimum parking required.**

Parking requirements are based on the use type, or in accord with schedule A and schedule B at the end of this section.

Use Type	Parking Required
<b>(A) Agricultural use type</b>	
Agriculture	No requirement
Farm stand	No requirement
Forestry operations	No requirement
Stable	No requirement
<b>(B) Residential use type</b>	
Accessory apartment	1 space
Assisted care residence	1 space per employee on shift plus one space per three residents
Halfway house	1 space per two persons of residential capacity, plus 1 space per employee on shift
Home occupation	No requirement
Life care facility	Schedule B
Manufactured home	2 spaces per dwelling unit (DU)
Manufactured home, emergency	No requirement
Manufactured home park	2 spaces per D.U.
Multi-family dwelling	
Studio	1 space per D.U.
One bedroom	1.5 spaces per D.U.
Two and three bedrooms	2 spaces per D.U.
Four or more bedrooms	2.5 spaces per D.U.
Nursing home	1 space per employee on shift plus 1 space per 3 residents
Residential human care facility	2 spaces per facility
Single family dwelling	2 spaces per D.U.

Townhouse	
One bedroom	1.5 spaces per D.U.
Two and three bedrooms	2 spaces per D.U.
Four or more bedrooms	2.5 spaces per D.U.
Two family dwelling	2 spaces per D.U.
<b>(C) Civic use types</b>	
Administrative services	1 space per employee plus 3 spaces per 1000 square feet
Camps	Schedule B
Cemetery	Schedule B
Clubs	1 space per three persons based on maximum occupancy
Community recreation	Schedule B
Correction facilities	Schedule B
Crisis center	1 space per employee on shift plus one space per three persons based on maximum occupancy
Cultural services	1 space per 400 square feet
Educational facilities, college/university	Schedule B
Educational facilities, primary/secondary	1 space per employee plus 1 space per four students in 11th and 12th grades.
Guidance services	1 space per 300 square feet
Park and ride facility	No requirement
Post office	Schedule A
Public assembly	1 space per five seats
Public maintenance and service facilities	Schedule A
Public parks and recreation areas	Schedule B
Religious assembly	1 space per five seats in principal place of worship
Safety services	2 spaces per emergency vehicle based at facility
<b>(D) Office use types</b>	
Financial institutions	3 spaces per 1,000 square feet plus required stacking spaces
General offices	3.5 spaces per 1,000 square feet
Laboratories	1 space per employee plus one space per company vehicle based on site
Medical office/clinic	7 spaces per practitioner or 1 space per 200 square feet, whichever is greater
<b>(E) Commercial use types</b>	
Agricultural services	Schedule A
Antique shops	1 space per 400 square feet
Assembly hall	1 space per 5 seats
Automobile dealership, new	Schedule A
Automobile dealership, used	Schedule A
Automobile repair services, major	2 spaces per repair bay plus 1 space per employee on shift
Automobile repair services, minor	3 spaces per repair bay plus 1 space per employee on shift
Automobile rental/leasing	Schedule A

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Automobile/parts supply, retail	Schedule A
Bed and Breakfast	1 space per sleeping room available for guests
Business support services	1 space per 200 square feet
Business or trade schools	Schedule B
Campground	1 space per camp site
Car wash	1 space per employee on shift plus stacking spaces
Commercial indoor amusement	1 space per 3 persons based on maximum occupancy
Commercial indoor entertainment	1 space per 4 seats plus one space per employee on shift
Commercial indoor sports and recreation	1 space per 3 persons based on maximum occupancy plus 1 space per employee on shift
Commercial outdoor entertainment	1 space per 3 persons based on maximum occupancy plus 1 space per employee on shift
Commercial outdoor sports and recreation	
Miniature golf	1.5 space per hole
Swimming pool	Schedule B
Tennis/court games	2 spaces per court
Other outdoor sports	Schedule B
Communication services	1 space per 300 square feet plus 1 space per company vehicle based on site
Construction sales and services	Schedule A
Consumer repair services	1 space per 300 square feet
Convenience store	5 spaces plus 1 space per 200 square feet plus one space per gas dispenser.
Dance hall	1 space per 3 persons based upon maximum occupancy
Day care center	1 space per employee on shift plus one space per three persons receiving care
Equipment sales and rental	Schedule A
Flea market	1 space per 100 square feet of sales area accessible to the public
Funeral services	1 space per 2 employees on shift plus one space per 5 seats in main chapel
Garden center	Schedule A
Gasoline station	1 space per employee plus required stacking spaces
Golf course	36 spaces per 9 holes
Hospital	1 space per employee on shift plus one space per 2 beds
Hotel/motel/motor lodge	1 space per guest room plus one space per employee, plus spaces as may be required for other uses on site
Kennel, commercial	Schedule B
Laundry	1 space per 300 square feet
Manufactured home sales	Schedule B
Mini warehouses	2 spaces for any live-in manager unit plus 2 spaces per 100 storage units
Pawn shop	1 space per 300 square feet
Personal improvement services	1 space per 300 square feet

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Personal services	1 space per 300 square feet
Recreational vehicle sales and service	Schedule A
Restaurant	1 space per four seats plus 1 space per employee on shift, plus required stacking spaces
Retail sales	
Shopping center	1 space per 250 square feet
Other retail	1 space per 200 square feet
Studio, fine arts	Schedule B
Truck stop	Schedule B
Veterinary hospital/Clinic	1 space per 300 square feet
<b>(F) Industrial use types</b>	
Asphalt plant	Schedule B
Construction yards	Schedule A
Custom manufacturing	Schedule A
Industry, type I	Schedule A
Industry, type II	Schedule A
Industry, type III	Schedule A
Landfill, construction debris	Schedule B
Landfill, rubble	Schedule B
Landfill, sanitary	Schedule B
Meat packing and related industries	1 space per employee on shift
Railroad facilities	Schedule B
Recycling centers and stations	Schedule B
Resource extraction	1 space per employee on shift
Scrap and salvage services	Schedule A
Transfer station	Schedule B
Transportation terminal	Schedule B
Truck terminal	Schedule B
Warehousing and distribution	Schedule A
<b>(G) Miscellaneous use types</b>	
Aviation facilities	Schedule B
Outdoor gathering	Schedule B
Shooting range	Schedule B
Tower	2 spaces per tower

#### Schedule A

The following table contains minimum parking requirements for uses with elements having different functions or operating characteristics. The Administrator shall consider and decide the minimum parking required for uses containing a mixture of these elements.

Element	Parking Required for Element
Office or administrative activity	3.5 spaces per 1000 square feet
Indoor sales, display or service area	1 space per 500 square feet
Motor vehicle service bays	2 spaces per service bays
Outdoor sales, display or service area	1 space per 2000 square feet
General equipment servicing or manufacturing	1 space per 1000 square feet

Indoor or outdoor storage or warehousing	1 space per 5000 square feet
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**Schedule B**

Specific minimum parking requirements shall be determined by the administrator, based on requirements for similar uses, location of the proposed use, expected demand and traffic generated by the proposed use.

(Ord. of 3-11-14)

**Sec. 4-300.19. Stacking spaces and drive-through facilities.**

- (A) Stacking spaces shall be provided for any use having a drive-through facility or areas having a drop-off and pick up areas. The following general standards shall apply:
  1. Stacking spaces shall not impede on and off-site traffic movements, shall not cross or pass through off street parking areas, and shall not create potentially unsafe conditions.
  2. Drive through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise delineated.
  3. Each stacking space shall be a minimum of eight feet by 20 feet.
- (B) Stacking spaces shall be provided as follows:
  1. Financial institutions shall provide five stacking spaces for the first drive-through window, and two stacking spaces for each additional window.
  2. Car washes shall provide four stacking spaces per bay or stall.
  3. Restaurants shall provide six stacking spaces per drive-through window, measured from the order station.
  4. All other uses containing drive-through facilities shall provide a minimum of three stacking spaces for each window.

**Sec. 4-400. Miscellaneous provisions.**

**Sec. 4-400.1. Site lighting.**

All exterior site lighting fixtures shall be designed, located and arranged so as not to direct glare on adjoining streets or residential properties.

**Sec. 4-400.3. Plot plans.**

A plot plan shall be submitted, prior to the approval of a zoning permit, for any new or expanded use or development not requiring a site plan or a concept plan. Plot plans shall be legibly drawn and shall clearly indicate the area, shape and dimensions of the property proposed for development. All existing easements, natural water courses, and existing and proposed improvements shall also be shown on the plan. The plan shall clearly indicate the minimum distances between existing and proposed uses and all property lines. Proposed access to the property shall also be shown.



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**Sec. 4-400.5. Yard, height and setback requirements.**

- (A) The lot area and yards required for any use or structure shall be permanently maintained, and shall not be counted as the required lot area or yards for any other use or structure.
- (B) Required yards shall remain free of all uses or structures except for the following:
  - 1. Fences, walls and landscaping shall be allowed in yards provided that sight triangles are maintained per section 4-400.15. Driveways and parking areas shall also be allowed.
  - 2. Patios and stoops shall be allowed within all required setback areas. Decks shall comply with all district setback requirements.
  - 3. Accessory structures shall be allowed in accord with the regulations for such structures.
- (C) Height limitations contained in article II of this ordinance shall not apply to barns or silos associated with an agricultural use, church spires, belfries, chimneys, flag poles, or television antennae.

**Sec. 4-400.7. Frontage requirements on cul-de-sacs.**

The minimum lot frontage on the arc of a cul-de-sac shall be no less than 30 feet in all zoning districts.

**Sec. 4-400.9. Single family detached dwellings; number permitted on a single lot.**

As may be elsewhere permitted by this ordinance, a maximum of two single family detached dwellings, or manufactured homes, or combination thereof, shall be located on any single lot of record. If a second single family dwelling or manufactured home is proposed for any lot, it shall be placed in a location on the lot that would allow future subdivision of the lot in full compliance with this ordinance and the county subdivision ordinance with respect to applicable frontage, setback and lot area requirements for each lot created.

Temporary family health care structures must comply with the Code of Virginia, § 15.3-2292.1 and use and design standards found in section 3-100.3 of this ordinance.

(Ord. of 11-14-13)

**Sec. 4-400.11. Public utility lots.**

Well lots, tank lots, stormwater detention area lots, utility pumping station lots, and similar types of public utility lots may be created in compliance with the terms of this ordinance and the county subdivision ordinance, notwithstanding the frontage, width, area, and other design standards for lots found in article II of this ordinance. Any such lot proposed for platting, shall be clearly designated on a subdivision plat reviewed and approved by the county. This plat shall contain notations and covenants that clearly restrict the use of the lot for the above cited purposes. Further, the plat shall clearly indicate that no employment shall be allowed at these lots except for the routine and necessary maintenance of the public facilities.

**Sec. 4-400.13. Corner and double frontage lots, orientation of yards.**

On corner and double frontage lots, the front shall be determined by the administrator. A rear yard shall always be opposite a front yard. The minimum side yard on the side facing the side street shall be 50 feet or more for both main and accessory buildings.

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**Sec. 4-400.15. Establishment of sight triangles.**

- (A) To promote visibility for pedestrians and the operators of motor vehicles, a clear sight triangle shall be established at the intersecting rights-of-way of any two public streets. The legs of this sight triangle shall be 25 feet in length. They shall begin at the point of intersection of the two street rights-of-way, and shall extend 25 feet along each right-of-way line. The triangle shall be formed by connecting the endpoints of these two lines.
- (B) Within this sight triangle nothing in excess of three feet in height shall be constructed, placed, or permanently parked. In addition, no vegetative plantings within the triangle shall be allowed to grow to a height of greater than three feet.
- (C) Nothing in this section shall imply the necessity of removing obstructions within this sight triangle, provided that these obstructions were installed or planted prior to the effective date of this ordinance. Routine trimming of shrubbery violating this height requirement shall be required, if the trimming will not endanger the health of the species.

**Sec. 4-400.17. Location and design of fences.**

Except as provided for in Sec. 4-400.15 fences may be constructed in any location, on any lot.

**Sec. 4-400.19. Standards and procedures for review of condominiums.**

- (A) A subdivision plat shall be submitted to the county for any new residential, commercial or industrial condominium development, including the conversion of any existing development to the condominium form of ownership. This plat shall meet all standards for subdivision plats. Plats shall be reviewed by the subdivision agent who shall approve the plat provided it meets the provisions of this ordinance and the county subdivision ordinance.
- (B) An approved owners' association shall be established for all condominium projects having individually owned structures or units, and common areas and facilities.

The purpose of this association is for the provision of upkeep and maintenance of the common areas and facilities. The subdivision agent shall review the provisions of the association to ensure compliance with this ordinance.

**ARTICLE V. ADMINISTRATION**

**Sec. 5-100. Zoning administrator; powers and duties.**

- (A) The administrator, or his designee, shall have the following powers and duties:
  - 1. *Zoning permit.* To issue or deny a zoning permit for the erection, reconstruction, moving, adding to or alteration of any structure, or the establishment of any land use. The administrator shall also have the authority to revoke any zoning permit if violations of the provisions of this ordinance occur.
  - 2. *Certificate of zoning compliance.* To issue or deny a certificate of zoning compliance certifying construction and use in accordance with this ordinance.
  - 3. *Collect fees.* To collect any fees required or set forth in this ordinance.
  - 4. *Making and keeping records.* To make and keep all records required by state law or necessary and appropriate for the administration of this ordinance.

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5. *Inspection of buildings or land.* To inspect any building or land to determine if violations of this ordinance have been committed or exist.
  6. *Enforcement.* To enforce this ordinance and take all necessary steps to remedy any condition found in violation of the provisions of this ordinance.
  7. *Request assistance.* To request the assistance of other local and state officials or agencies in the administration and enforcement of this ordinance.
  8. *Interpretation.* To interpret the official zoning map and provisions of this ordinance, and offer written opinions on their meaning and applicability.
- (B) The administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include:
1. Ordering in writing the remedying of any condition found in violation of the ordinance;
  2. Ensuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to Code of Virginia, § 15.2-2311 ; and
  3. In specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under Code of Virginia, § 15.2-2307 .
- (C) The administrator may be authorized to grant a maximum of a ten percent, or a maximum of a one-foot variance (whichever is less) from any building setback requirement contained in the zoning ordinance if the administrator finds in writing that:
1. The strict application of the ordinance would produce undue hardship;
  2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
  3. The authorization of the variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the variance.

Prior to the granting of a variance, the administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for variance, and an opportunity to respond to the request within 21 days of the date of the notice. If any adjoining property owner objects to said request in writing within the time specified above, the request shall be transferred to the board of zoning appeals for decision.

### **Sec. 5-102. Planning commission powers, duties and composition.**

- (A) The commission shall have the right to exercise all of the powers and duties authorized by title 15.2, ch. 22 of the Code of Virginia, as amended.
- (B) The commission shall be composed of not less than five nor more than fifteen members, who shall be appointed by the board of supervisors. All such members shall be residents of the county and at least one-half of the appointed commission shall own real property within the county. All commission members shall be qualified by knowledge and experience to make decisions on questions of community growth and development. The members of the commission shall serve for staggered terms of four years each.
- (C) The commission shall develop, adopt and maintain bylaws that govern its operation.

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### **Sec. 5-104. Zoning permits.**

- (A) A zoning permit shall be required for the erection, construction, reconstruction, moving, adding to, or alteration of any structure, or the establishment of any land use, except as listed below:
  - 1. Patios;
  - 2. Fences.
- (B) It shall be the responsibility of the applicant to provide any information necessary for the administrator to determine that the proposed use, building, or structure complies with all provisions of this ordinance.
- (C) For any use, building, or structure requiring an approved site plan, no zoning permit shall be issued, until such time as a site plan is submitted, reviewed and approved in accordance with section 4-100 of this ordinance.
- (D) For uses or structures not requiring an approved site plan, the administrator shall determine, in accordance with this ordinance, the type of information necessary to review the permit. At a minimum, a concept plan shall be required meeting the standards established by the administrator.
- (E) All zoning permits issued shall be valid for a period of two years unless the structure, use or activity for which the permit was issued has commenced. The administrator may reissue any expired permit provided the structure, use and or activity complies with all applicable provisions of the ordinance at the time of re-issuance.
- (F) The administrator shall have the authority to approve the form and content of zoning permit applications.

### **Sec. 5-106. Building permits; relation to zoning.**

No building permit for the extension, erection, or alteration of any building or structure shall be issued before an application has been made and a zoning permit has been issued. No new or modified building or structure shall be occupied or used, or any new land use established until a certificate of zoning compliance has been issued by the county.

### **Sec. 5-108. Certificates of zoning compliance.**

- (A) A certificate of zoning compliance shall be required for any of the following:
  - 1. Occupancy or use of a building that has been hereafter erected, enlarged, or structurally altered.
  - 2. Change in the use or occupancy of an existing building.
  - 3. Occupancy or change in the use of vacant land except for agricultural uses not involving structures.
  - 4. Any change in a nonconforming use, or any alteration of a nonconforming building or structure.
- (B) No such occupancy, use, or change in use shall take place until a certificate of zoning compliance has been issued by the county. Such certificate shall certify that the building or the proposed use, or the use of land complies with the provisions of this ordinance.
- (C) If a certificate of zoning, compliance is denied by the county, the county shall notify the owner or owners agent of the denial. Said notice shall state the reason(s) for the denial, and the specific actions required on the part of the owner before the certificate of zoning compliance can be issued.

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**Sec. 5-110. Temporary or partial certificates of zoning compliance.**

(A) When a building, structure, or property must be occupied or used prior to the completion of all improvements required by this ordinance, the county may issue a temporary or partial certificate of zoning compliance for the property, upon the request of the owner or owner's agent.

Temporary or partial certificates of zoning compliance shall be valid for a period not to exceed eight months, during which time, all improvements required by this ordinance must be made.

(B) The county shall not issue a temporary or partial certificate of zoning compliance unless:

1. The site and building is in a safe and useable condition, free from conditions that might endanger the health, safety or welfare of persons using the site.
2. The owner or authorized agent provides the county a performance guarantee or letter of credit from an acceptable institution guaranteeing completion of all required improvements. This guarantee shall be payable to the county in an amount determined by the county to be sufficient to complete all required improvements within eight months of the issuance of the temporary or partial certificate of zoning compliance.
3. The performance guarantee may be in the form of a corporate surety bond, cash, irrevocable letter of credit, or other instrument approved by the county.
4. The administrator may waive the performance guarantee if the value of the uncompleted improvements is less than \$500.00.
5. The administrator shall have the authority to grant an extension to the temporary or partial certificate of zoning compliance, provided all performance guarantees remain in effect.

**Sec. 5-112. Fees.**

Administrative review fees for all permits and procedures specified in this ordinance shall be established by the board of supervisors.

**Sec. 5-114. Enforcement.**

- (A) The administrator shall have the responsibility for enforcing the provisions of this ordinance, and may, as necessary, solicit the assistance of other local and state officials and agencies to assist with this enforcement.
- (B) Violators of the provisions of this ordinance shall be notified in writing of observed violations. The administrator shall state, in the written notice, the nature of the violation, the date the violation was observed, and the remedy or remedies necessary to correct the violation. A reasonable time period will be established for the correction of the violation.
- (C) If the administrator is not able to obtain compliance with these provisions, civil and or criminal procedures may be initiated in accordance with county law and procedures.

**Sec. 5-116. Penalties.**

Pursuant to Code of Virginia, § 15.2-2286 .A.5, any violation of any provision of this ordinance shall be a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$1,000.00.

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**Sec. 5-118. Civil penalties.**

- (A) Any owner of a building or premises where a violation of any provision of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be punishable by a civil penalty.
- (B) Any violation of the following scheduled provisions of this ordinance shall be subject to a civil penalty in an amount and timing not to exceed that authorized by Code of Virginia, § 15.2-2209 . The board of supervisors shall establish the amount of the civil penalty.

*Schedule of Violations Subject To Civil Penalties*

- 1. \$200.00 first violation;
  - 2. \$500.00 each additional violation.
- (C) Each day during which a violation is found to exist shall be a separate offense. However, the same violation arising from the same operative set of facts may be charged not more than once in a ten-day period, and the total civil penalties from a series of such violations arising from the same set of operative facts shall not exceed \$5,000.00.
  - (D) The issuance of a civil penalty for a particular violation of the zoning ordinance pursuant to this section shall be in lieu of criminal sanctions except when such violation results in injury to any person or persons.
  - (E) The administrator, or the administrator's designee, may issue a civil summons for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation 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 for the offense charged. 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.
  - (F) If a person charged with a 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 for by law. A finding of liability shall not be deemed a criminal conviction for any purpose.
  - (G) No provision herein shall be construed to allow the imposition of civil penalties for:
    - 1. Activities related to land development; or
    - 2. For violation of any provision of a local ordinance relating to the posting of signs on public property or public rights-of-way.

**Sec. 5-120. Amendments to ordinance.**

- (A) Whenever the public necessity, convenience, general welfare, or good zoning practice require, the board of supervisors may, by ordinance, amend, supplement, or change these regulations, district boundaries, or classifications of property. Any such amendments may be initiated by:
  - 1. Resolution of the board of supervisors, or;
  - 2. Motion of the commission, or;
  - 3. Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent of the property which is the subject of the proposed zoning map amendment. Any petition submitted shall be in writing and shall be addressed to the board of supervisors.

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4. Any person may submit suggestions for zoning ordinance text amendments to the administrator. The administrator shall forward these requests to the commission for their review. The commission shall be under no obligation to schedule a public hearing on any such amendment request, except that the board of supervisors may direct the commission to hold a public hearing on any text amendment request.
- (B) The administrator shall establish a schedule for the receipt of amendment applications. The administrator shall also establish and maintain the amendment application materials. These application materials shall, at a minimum, include a traffic impact study and any other information the administrator deems necessary for the county staff, commission and board of supervisors to adequately evaluate the amendment request. A concept plan shall accompany all map amendment requests. The administrator shall establish minimum standards for concept plans.
  - (C) The administrator shall not accept any amendment application for a lot or parcel that does not comply with the minimum lot area, width, or frontage requirements of the requested zoning district. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the administrator shall thereafter accept the amendment application for the consideration of the commission and board of supervisors.
  - (D) If the board of supervisors denies any amendment application submitted for its review, or the application is withdrawn after board of supervisors consideration, the county shall not consider substantially the same application for the same property within one year of the board of supervisors action. The administrator shall have the authority to determine whether new applications submitted within this one year period are substantially the same. In making any such determination the administrator shall have the authority to consider any items pertaining to the proposed use or development of the site such as, but not limited to, the uses proposed, densities, access, building locations, and overall site design.

#### **Sec. 5-120.1. Commission study and action.**

- (A) All proposed amendments to the zoning ordinance text or maps shall be referred by the board of supervisors to the commission for study and recommendation. The commission shall study proposals to determine:
  1. Whether the proposed text or map amendment conforms to the general guidelines and policies contained in the county's comprehensive plan.
  2. The relationship of the proposed text or map amendment to the purposes of the general planning program of the county, with appropriate consideration as to whether the change will further the purposes of this ordinance and the general welfare of the entire community.
  3. The need and justification for the change.
  4. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property, surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for the proposed change as related to the purposes set forth at the beginning of each district classification.
- (B) Prior to making any recommendation to the board of supervisors on a proposed amendment to the zoning ordinance, the commission shall advertise and hold a public hearing in accordance with the provisions of Code of Virginia, § 15.2-2204 . Property owners shall receive written notice of the proposed amendment as required by § 15.2-2204 .
- (C) The commission shall review the proposed amendment and report its findings and recommendations to the board of supervisors along with any appropriate explanatory materials within 100 days after the first commission meeting after the proposed zoning ordinance amendment is referred to the commission. Failure of the commission to report to the board of supervisors shall be deemed a recommendation of approval. If

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the commission does not report within the prescribed time, the board of supervisors may act on the amendment without the recommendation of the commission.

- (D) Any recommendation of the commission shall be deemed advisory, and shall not be binding on the board of supervisors.

**Sec. 5-120.3. Board of supervisors study and action.**

- (A) Before enacting any proposed amendment to the zoning ordinance, the board of supervisors shall hold a public hearing as required by Code of Virginia, § 15.2-2204 , with public notice as required by §§ 15.2-2204 and 15.2-2285 . The board of supervisors may hold a joint public hearing with the commission. After holding this hearing, the board of supervisors may make appropriate changes to the proposed amendment; provided however that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public notice as required by § 15.2-2204 .
- (B) The clerk of the board of supervisors shall transmit to the administrator official notice of any board of supervisors action modifying the zoning ordinance. The administrator shall thereafter have the responsibility to make any necessary and appropriate changes to the zoning ordinance text or map.

**Sec. 5-120.5. Posting of property.**

- (A) The county shall require that properties proposed for public hearing before the commission or board of zoning appeals, under the requirements of this ordinance, shall be posted with a notice announcing the nature of the request, and county contact information. This posting requirement shall be in addition to the public hearing and notice requirements imposed by Code of Virginia, § 15.2-2204 .
- (B) The county shall prepare the notice of hearing and shall post said notice on the property or properties that are the subject of the hearing. The posting shall be accomplished at least ten days before the date of the proposed public hearing. The administrator shall determine the number of notices required to meet the intent of this section. All notices posted shall be clearly visible from abutting rights-of-way.
- (C) The unauthorized removal or damage of the notices prior to the advertised public hearing, due to weather or legitimate vandalism, shall not violate the public notice intent of this section.

**Sec. 5-122. Conditional zoning.**

- (A) In accordance with the authority granted to the county per Code of Virginia, § 15.2-2297 , the owner of property for which a zoning map amendment is requested, may voluntarily proffer in writing reasonable conditions that are in addition to the regulations of the requested zoning district. All proffered conditions must be signed by the owner of the property.
- (B) The County's acceptance of proffered conditions shall be in accordance with the procedures and standards contained in Code of Virginia, § 15.2-2297 .
- (C) All conditions proffered by the owner shall meet the following standards:
  - 1. The rezoning itself must give rise for the need for the conditions.
  - 2. The conditions shall have a reasonable relation to the rezoning.
  - 3. The conditions may include a cash contribution to the locality in accordance with Code of Virginia, § 15.2-2298 .
  - 4. The conditions must not provide for mandatory dedications for public facilities not otherwise provided for in the Code of Virginia, § 15.2-2241 .



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5. The conditions must not require the mandatory creation of a property owner's association under chapter 26 title 55 of the Code of Virginia.
  6. The conditions must not include payment for, or construction of, off-site improvements except those provided for in Code of Virginia, § 15.2-2241 .
  7. All conditions proffered shall relate to the physical development or operation of the property.
  8. All such conditions shall be in accordance with the comprehensive plan.
- (D) All such conditions must be submitted to the county, in writing, before the start of the board of supervisors' public hearing.
- (E) The commission and board of supervisors shall not be obligated to accept any or all of the conditions proffered by the owner.

**Sec. 5-122.1. Enforcement of conditions.**

- (A) The administrator shall have the authority on behalf of the board of supervisors to administer and enforce conditions accepted as part of any approved zoning map amendment. This authority shall include:
1. The ordering in writing of the remedy of any non-compliance with such conditions.
  2. The bringing of legal action to ensure compliance with such conditions.
- (B) Failure of a property owner to meet all conditions accepted by the board of supervisors shall constitute cause to deny approval of a site plan, or deny issuance of a building permit, zoning permit or certificate of zoning compliance, as may be appropriate.

**Sec. 5-122.3. Records of conditions.**

The zoning map shall show, by an appropriate symbol, the existence of conditions on those properties for which conditions have been accepted. The administrator shall keep an index of those properties and conditions. The index shall provide for ready access to the ordinance creating the conditions.

**Sec. 5-122.5. Review of administrator's decisions.**

Any person aggrieved by a decision of the administrator pursuant to the provisions of section 5-122.1 may petition the board of supervisors for a review of the decision of the administrator. All such petitions, stating the nature of the grievance, shall be filed with the administrator within 30 days of the date of the decision for which a review is sought.

**Sec. 5-122.7. Amendments of conditions.**

Any request by an applicant to amend conditions that were voluntarily proffered and accepted by the board of supervisors shall be considered a new amendment to the zoning ordinance and shall be reviewed pursuant to the provisions of section 5-120.

**Sec. 5-124. Special use permits.**

- (A) The procedures and standards contained in this section shall apply to all uses specifically permitted as special uses in the district regulations found elsewhere in this ordinance.

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- (B) Special uses are hereby established in recognition that in addition to uses permitted by right, certain uses may, depending on their scale, design, location and conditions imposed by the board of supervisors, be compatible with existing and future land uses in the district.
  - (C) The review and subsequent approval or disapproval of a special use permit, shall be considered a legislative act, and shall be governed by the procedures thereof.

**Sec. 5-124.1. General standards.**

- (A) The administrator shall not accept any special use permit application for any lot or acreage that does not meet the minimum size, width and/or frontage requirements of the district where the use is proposed. In addition, the administrator shall not accept any special use application for a lot or acreage that does not meet the minimum size, width and/or frontage requirements of any applicable use and design standards for the use as listed in article III of this ordinance. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the administrator shall thereafter accept the special use permit application for consideration by the commission and board of supervisors.
- (B) No special use permit shall be issued by the board of supervisors unless the board of supervisors shall find that, in addition to conformity with any standards contained in article III, Use and Design Standards, the proposed special use shall conform with the following general standards. These standards shall be met either by the proposal as submitted and thereafter revised by the applicant, or by the proposal as modified or amended as part of the review of the application by the commission or board of supervisors.
  - 1. The proposal as submitted or modified shall generally conform to the latest comprehensive plan of the county.
  - 2. The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impacts shall be evaluated with consideration to items such as, but not limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations. In considering impacts, consideration shall be given to the timing of the operation, site design, access, screening, and or other matters that might be regulated to mitigate adverse impacts.

**Sec. 5-124.3. Application requirements.**

- (A) An application for a special use permit may be initiated by:
  - 1. Resolution of the board of supervisors;
  - 2. Motion of the commission;
  - 3. Petition of the owner, owner's agent, or contract purchaser with the owner's written approval.
- (B) Applicants shall provide at the time of application, information and or data to demonstrate that the proposed use will be in harmony with the purposes of the specific zoning district in which it will be located. The applicant shall also have the responsibility to demonstrate that the proposed use will have minimum adverse impact on adjoining property and the surrounding neighborhood.
- (C) All applications shall show the nature and extent of the proposed use and development. If phased development is envisioned, all phases shall be shown at the time of the original application.
- (D) The administrator shall establish and maintain special use permit application materials and requirements. At a minimum, these materials shall require the submittal of a traffic impact study and a concept plan. Concept plans shall be developed to standards established by the administrator.

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**Sec. 5-124.5. Review and action.**

- (A) County staff shall review all applications submitted. This review shall evaluate the proposal against the county's comprehensive plan and any specific or general standards for the use. The staff shall make a report of its findings and transmit the report to the commission.
- (B) The commission shall review and make recommendations to the board of supervisors concerning the approval or disapproval of any special use permit. No such recommendation shall be made until after a public hearing is held in accordance with Code of Virginia, § 15.2-2204 . Posting of the property announcing the public hearing shall be done in accordance with section 5-120.5 of this ordinance.

The commission shall base its recommendation upon the review of submitted application materials, specific and general criteria contained in this ordinance, public comment received at the public hearing, and the information and evaluation of the county staff. In making a recommendation to the board of supervisors, the commission may recommend any conditions necessary to ensure that the proposal is compatible with the surrounding neighborhood and community.

However, any such conditions shall relate to the design, scale, use or operation of the proposed special use. Where warranted, any such conditions may exceed specific standards found elsewhere in this ordinance.

- (C) The board of supervisors may grant or deny any application for a special use permit. No such action shall be taken until the board of supervisors receives the recommendation of the commission and a board of supervisors public hearing is held in accordance with Code of Virginia, § 15.2-2204 .

In approving any special use permit, the board of supervisors may require and attach any conditions necessary to ensure that the proposal is compatible with the surrounding neighborhood and community.

However, any such conditions shall relate to the design, scale, use or operation of the proposed special use. Where warranted, any such conditions may exceed specific standards found elsewhere in this ordinance.

**Sec. 5-124.7. Time limitations.**

The commission shall make a recommendation and report its findings to the board of supervisors within 100 days from the date that the proposed special use permit application is referred to the commission. Failure of the commission to report to the board of supervisors within 100 days shall be deemed a recommendation of approval, and the board of supervisors may act on the application without a recommendation from the commission.

**Sec. 5-126. Non-conforming uses and structures, generally.**

- (A) Within the zoning districts established by this ordinance, or by future amendments which may be adopted, or by legitimate and legal actions taken by the board of supervisors or other governmental agency, there exist lots, parcels, structures, uses of land and structures, and characteristics of site design and/or use which were lawful before this ordinance was adopted or amended, but which would be prohibited under the terms of this ordinance or future amendment. Such structures uses and characteristics, or any combination thereof, are considered nonconformities, and are hereby declared by the board of supervisors to be inconsistent with the character of the districts in which they occur.
- (B) Nothing shall be construed to grant conforming status to uses or structures that existed as legal nonconforming uses prior to the adoption of this ordinance, or amendment thereto, unless such uses or structures now conform to all applicable provisions of this ordinance.

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**Sec. 5-126.1. Nonconformities; relationship to vested rights.**

Nothing in this ordinance shall impair any vested right. Pursuant to Code of Virginia, § 15.2-2307 , a landowner's rights shall be deemed vested and shall not be affected by the subsequent amendment of the zoning ordinance if all of the following occur:

1. The landowner obtains or is the beneficiary of a significant affirmative governmental act.
2. The landowner relies in good faith on a significant affirmative governmental act.
3. The landowner incurs extensive obligations, or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

**Sec. 5-126.3. Nonconforming uses of buildings, structures or land.**

(A) Where, at the effective date of this ordinance or amendments thereto , lawful use exists of buildings, structures, or land, individually or in combination, which use is no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued provided:

1. The use is not discontinued for more than two years.
2. The use is not converted or replaced, in whole or in part by a use permitted in the district regulations.
3. The building or structures containing the nonconforming use are maintained in their then structural condition.

(B) No building or structure conforming to the requirements of this ordinance shall be erected in connection with the nonconforming use of land unless the building or structure was damaged or destroyed by a catastrophic event. However, a substantially damaged structure, if rebuilt, must be rebuilt in compliance with current floodplain regulations.

(Ord. of 11-14-13)

**Sec. 5-126.5. Nonconforming buildings and structures.**

(A) Where, a lawful building or structure exists at the time of the adoption or amendment of this ordinance, which could not be built under the terms of this ordinance by reasons of restrictions on area, bulk, lot coverage, height, yards, or other characteristics of the building or structure, or its location on a lot, such building may be continued so long as it remains otherwise lawful provided:

1. No building or structure shall be enlarged in any way which increases or extends its nonconformity.
2. Any building or structure which is moved for any reason, for any distance, shall thereafter conform to the regulations of the district in which it is located after it is moved.
3. Any building or structure substantially damaged or destroyed by a natural disaster may be repaired, replaced, or rebuilt as provided in this section. To the extent possible, the nonconforming features of the building shall be eliminated upon repair, replacement or reconstruction. A rebuilt, repaired, or reconstructed structure shall comply with current floodplain and dam break inundation zone regulations.

(B) Any landowner or homeowner may remove a valid nonconforming manufactured home from a manufactured home park and replace that home with another comparable manufactured home that meets the current HUD manufactured housing code. A single section home may be replaced with a single section home and a multi-section home may be replaced with a multi-section home.

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(Supp. No. 1)

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- (C) The owner of any valid nonconforming manufactured home, either single or multi-section, not located in a manufactured home park may replace that home with a newer manufactured home, either single or multi-section, that meets the current HUD manufactured home code. Any such replacement home shall retain the valid nonconforming status of the prior home.

(Ord. of 11-14-13)

### **Sec. 5-126.7. Nonconforming site designs.**

If a zoning permit is requested for any type of modification to an existing structure or site, no legal nonconforming site design planned, approved, and constructed prior to the adoption of this ordinance shall be required to comply in full with the provisions of this ordinance. Only those site improvements directly related to, or affected by the modified use, structure or activity, shall be required to comply in full with the provisions of this ordinance.

### **Sec. 5-128. Board of zoning appeals.**

The county board of zoning appeals (BZA) shall consist of five or seven members, who shall be appointed by the circuit court. Composition and terms of office of the BZA shall be in accordance with Code of Virginia, § 15.2-2308 .

#### **Sec. 5-128.1. Powers and duties.**

- (A) The BZA shall have the power and duty to hear and decide appeals from any written order, requirement, decision, or determination made by any administrative officer in the administration or enforcement of this ordinance. No such appeal shall be heard except after notice and hearing as provided by Code of Virginia, § 15.2-2204 .
- (B) The BZA shall have the power and duty to authorize upon appeal or original application in specific cases a variance from the terms of this ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship. No such variance shall be granted unless the spirit of the ordinance shall be observed and substantial justice done. To legally grant a variance, the BZA must be presented evidence and make a finding that:
1. A property owner acquired the property in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of the property at the time of the adoption of this ordinance, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of the property, the strict application of this ordinance would effectively prohibit, or unreasonably restrict the use of the property, or;
  2. Due to the condition, situation, or development of immediately adjacent property, the strict application of this ordinance would effectively prohibit, or unreasonably restrict the use of the property; or
  3. That the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

All variances granted must be in harmony with the intended spirit and purpose of this ordinance. Specifically, the BZA must find that the strict application of the ordinance would produce undue hardship. This hardship must not be shared by other properties in the same zoning district and in the same vicinity. The BZA must find that the granting of the 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. Finally, the BZA must not grant a variance unless it

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finds that the condition or situation of the property is not so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to this ordinance.

No variance request shall be evaluated by the BZA until after notice and hearing as provided by Code of Virginia, § 15.2-2204 . In addition, posting of the property shall be required as provided for in section 5-120.5 of this ordinance.

In granting a variance, the BZA 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.

- (C) The BZA shall have the power and duty to hear and decide appeals from any written decision of the administrator. No such appeal shall be heard except after notice and hearing as provided by Code of Virginia, § 15.2-2204 .
- (D) The BZA shall have the power and duty to hear and decide applications for interpretation of the official zoning map where the administrator believes there is uncertainty as to the location of a district boundary. No such determination shall be made except after notice and hearing as provided by the Code of Virginia, § 15.2-2204 . Any property owner affected by a determination of the location of the boundary must be notified by first class mail prior to any such determination. After notice and hearing the BZA may interpret the map in such a way to carry out the intent and purpose of this ordinance, however the BZA shall not have the power to change substantially the locations of the district boundaries as established by this ordinance. This authority of the BZA to determine the location of district boundaries shall not be construed as the power to rezone property.

### **Sec. 5-128.3. Applications for variances.**

Applications for variances may be made by any property owner, tenant, government official, department, or board or bureau of the county. All applications shall be submitted to the administrator in accordance with rules adopted by the BZA. All applications and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the BZA who shall place the application on the agenda to be acted upon by the BZA, within 90 days of the filing of the application. No such application shall be heard except after notice and hearing as provided by Code of Virginia, § 15.2-2204 . The administrator may, and at the direction of the commission shall, transmit notice of the variance application to the commission, which may send a recommendation to the BZA, or appear as a party at the hearing.

### **Sec. 5-128.5. Applications for appeals.**

Appeals to the BZA may be taken by any person aggrieved or by any officer, department, board, or bureau of the county affected by any decision of the administrator, or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this ordinance. Appeals must be made within 30 days after the entry of the decision appealed from by filing with the administrator and with the BZA, a notice of appeal, specifying the grounds thereof. The administrator shall forthwith transmit to the BZA all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the administrator certifies to the BZA that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless a restraining order is granted by the BZA, or by a court of record, on application and on notice to the administrator and for good cause shown.

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**Sec. 5-128.7. Procedures for variances and appeal.**

- (A) The BZA shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to all parties of interest, and decide the same within 90 days of the filing of the appeal. In exercising its power, the BZA may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from.
- (B) The concurring vote of the majority of the BZA shall be necessary to reverse any order, decision, requirement, or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which the BZA is required to pass under the terms of this ordinance, or to effect any variance from this ordinance.
- (C) The BZA shall keep minutes of its proceedings and other official actions which shall be filed in the office of the administrator. All records shall be public records. The chairman of the BZA, or in his absence, the acting chairman, may administer oaths, and compel the attendance of witnesses.

**Sec. 5-128.9. Certiorari to review decision of BZA.**

- (A) Any person jointly or separately aggrieved by any decision of the BZA, or any taxpayer or any officer, department, board or bureau of the county, may present to the circuit court of the county a petition specifying the grounds on which aggrieved. This petition must be filed within 30 days of the BZA's decision.
- (B) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the BZA and shall prescribe therein the time within which a return thereto must be made and served upon the relater'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 BZA and on due cause shown, grant a restraining order.
- (C) The BZA 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 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 in part, or may modify the decision brought up for review.
- (E) Costs shall not be allowed against the BZA, 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 BZA 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 a return of the record pursuant to the writ of certiorari.

***ARTICLE VI. DEFINITIONS AND USE TYPES***

**Sec. 6-100. Definitions.**

- (A) For the purposes of this ordinance, the following rules of language shall apply:  
The specific shall control the general.

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The word "person" includes a firm, association, organization, partnership, trust, and company, as well as an individual.

The word "he" shall mean "she," and "she" shall mean "he."

The words "used or occupied" include the words "intended, designed, or arranged to be used or occupied."

The word "lot" shall include plot or parcel.

The present tense includes the future tense; the singular number includes the plural; the plural includes the singular.

The word "shall" is mandatory; the words "may" and "should" are permissive.

All public officials, bodies, and agencies referred to in this ordinance are those of the County of Prince Edward, Virginia, unless otherwise specifically indicated.

(B) Where terms in this ordinance are undefined, the meaning of the term shall be as ascribed in the most recent edition of Webster's Unabridged Dictionary, unless it is the opinion of the administrator that based upon normal zoning practice, a different meaning shall apply.

(C) The words and terms listed below shall have the following meanings:

**ABUTTING.** Contiguous or adjoining; having property or zoning district lines in common, or separated by a right-of-way.

**ACCESS.** A means of approach, including ingress and egress.

**ACCESSORY BUILDING OR STRUCTURE.** A building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered a part of the principal building.

**ACCESSORY USE.** A use of land, or a building or structure or portion thereof, customarily incidental and subordinate to the principal use of the land or building or structure and located on the same lot with such principal use.

**ACREAGE.** A parcel of land, regardless of area, described by metes and bounds and not a lot shown on any recorded subdivision plat.

**ADDITION.** Any construction that increases the gross floor area of a building or structure, or results in an expanded footprint of a building or structure on the ground.

**ADMINISTRATOR.** The Zoning Administrator of Prince Edward County, Virginia, or an authorized agent thereof, also referred to in this ordinance as the administrator.

**ALLEY.** A right-of-way that provides secondary vehicle and service access to abutting properties that have frontage on one or more streets.

**ALTERATION.** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.

**AMENDMENT.** A modification to this ordinance, including the text or associated maps, that has been approved by the county board of supervisors.

**ANTENNA.** A communication device which transmits or receives electromagnetic signals. Antennas may be directional, including panels and microwave dishes, and omni-directional, including satellite dishes, whips, dipoles, and parabolic types. An antenna does not include the tower or other supporting structure to which it is attached.



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**AWNING.** A shelter constructed of rigid or non-rigid materials on a supporting framework, either freestanding, or projecting from and supported by an exterior wall of a building.

**BASEMENT.** A story partly underground and having at least one-half of its height above the average adjoining grade on all sides of the building or structure.

**BERM.** A landscaped earthen mound, incorporated as part of a site design, and intended to enhance the compatibility of abutting or nearby properties through the mitigation of sound, the screening of views, and/or the visual enhancement of a property's landscaped character.

**BOARD OF SUPERVISORS.** The board of supervisors of Prince Edward County, Virginia.

**BOARD OF ZONING APPEALS.** The term "board of zoning appeals" shall refer to the Prince Edward County Board of Zoning Appeals, also referred to in this ordinance as the BZA.

**BUFFER YARD.** A yard improved with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

**BUILDING.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, activity, process, equipment, goods or materials of any kind.

**BUILDING COVERAGE.** That portion of a lot, which when viewed from directly above, would be covered by any building or structure. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

**BUILDING, HEIGHT OF.** The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

**BUILDING LINE.** When viewed from above, the line, parallel to the street right-of-way that passes through the point of the principal building nearest the street right-of-way, or in the case of the rear building line, furthest from the street right-of-way.

**CELLAR.** A story having more than one-half of its height below average adjoining grade on all sides of the building or structure.

**CERTIFICATE OF ZONING COMPLIANCE.** For the purposes of this ordinance, official certification that premises conform to all applicable provisions of the county zoning ordinance and may be lawfully used or occupied.

**CLUSTER SUBDIVISION.** An alternative means of subdividing that concentrates building density in specific areas to allow the remaining land to be reserved for the preservation of environmentally-sensitive features and open space.

**COMMISSION.** The term "commission" shall mean the planning commission of Prince Edward County, Virginia.

**CONDOMINIUM.** A building or group of buildings, created pursuant to the Virginia Horizontal Property Act, Code of Virginia § 55-79 et seq., in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**CONSTRUCTION, NEW.** Structures for which construction commenced on or after the effective date of this ordinance and including any subsequent improvements to such structures.

**CONSTRUCTION, START.** The date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within two years 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

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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 dwellings units or not part of the main structure.

COUNTY. The term "county" shall mean Prince Edward County, Virginia.

DAM BREAK INUNDATION ZONE. The area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam.

DECK. A structure, without a roof, directly adjacent to a principal building which has an average elevation of 30 inches or greater from finished grade. A deck may be constructed of any materials.

DEDICATION. The transfer of private property to public ownership upon written acceptance.

DENSITY. The number of dwelling units permitted per unit of land, commonly expressed as dwelling units per acre.

DEVELOPMENT. Any man-made 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, or drilling operations.

DISTRICT. A zoning district as described and permitted by Code of Virginia, § 15.2-2280 et seq.

DORMITORIES. Buildings or structures which have on-site supervision and may contain rooms for sleeping and include common eating facilities for the housing of regular enrolled students, faculty and employees of an established college, university, independent school, or medical facility.

DRIVEWAY. A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

DWELLING UNIT. A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

EASEMENT. A portion of a lot or acreage reserved for present or future use by a person or entity other than the fee simple owner of the lot or acreage. Easements may exist on the ground, or under or above the lot or acreage.

ESTABLISHMENT. Any business, enterprise or other land use permitted by this ordinance.

FAMILY. One or more persons related by blood, marriage, or adoption, or under approved foster care, or a group of not more than four persons (including servants) living together as a single housekeeping unit.

FAMILY DIVISION. A division of land among immediate family members. Immediate family shall be defined as any person who is a naturally or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the owner. Only one such division shall be allowed per family member.

FLOODPLAIN.

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or
- (2) An area subject to the unusual and rapid accumulation of run-off or surface waters from any source.

FLOOR AREA, FINISHED. The sum of the horizontal areas of a building which is intended for human habitation and use and which has a floor to ceiling height of 6 1/2 feet or greater. Areas excluded from the finished floor area would include unfinished basements and attics, storage and utility rooms, and garages.

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**FLOOR AREA, GROSS.** The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude interior parking and loading spaces, and airspace above atriums.

**GARAGE, PRIVATE.** A building for the private use of the owner or occupant of a principal residential building situated on the same lot as the principal building for the storage of motor vehicles.

**GLARE.** The effect produced by lighting, with a brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**IMPOUNDING STRUCTURE.** A man-made structure, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store waters or other materials. The term includes all dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater.

**LAND DISTURBING ACTIVITY.** Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

**LANDSCAPING.** The improvement of the appearance of an area by the planting of trees, grass, shrubs, or other plant materials.

**LOADING SPACE, OFF-STREET.** Space for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

**LOT.** A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions or as otherwise permitted by law.

**LOT, CORNER.** A lot located at the intersection of two or more streets or where lot lines or right-of-way lines, or the extension thereof, intersect at less than 135 degrees.

**LOT COVERAGE.** That portion of a lot, which when viewed from directly above, would be covered by any building or structure, parking and loading areas and other surface which is impermeable or substantially impervious to stormwater. Gravel parking areas shall be considered impervious. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

**LOT, DEPTH OF.** The average horizontal distance between front and rear lot lines. The average shall consist of the horizontal distances of the side lot lines and the distance of a line connecting the midpoints of the front and rear lot lines.

**LOT, DOUBLE FRONTAGE.** A lot, other than a corner lot, which has frontage on more than one street other than an alley. Double frontage lots may be referred to as "through lots."

**LOT, FRONTAGE.** The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot which abut a street shall be considered frontage. On curvilinear streets the arc between the side lot lines shall be considered the lot frontage.

**LOT, INTERIOR.** A lot, other than a corner lot, which has only one frontage on a street other than an alley.

**LOT, IRREGULAR.** A lot of such a shape or configuration that technically meets the area, frontage and width to depth requirements of this ordinance but meets these requirements by incorporating unusual elongation, angles, curvilinear lines unrelated to topography or other natural land features.

**LOT, PIPESTEM.** A panhandle or flag shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem). Pipestem lots are also referred to as panhandle lots or flag lots.

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**LOT, WIDTH OF.** The average horizontal distance between side lot lines. The average shall consist of the straight line horizontal distances of the front and rear lot lines and the distance of a line connecting the midpoints of the side lot lines.

**LOT OF RECORD.** A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the Clerk's office of the Prince Edward County Circuit Court.

**LOWEST FLOOR.** The lowest enclosed area, including basement, of any structure. An unfurnished or flood-resistant enclosure usable solely for the 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 this division.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. A manufactured home shall contain one dwelling unit. The manufactured home must be manufactured after July 1, 1976. Some manufactured homes are also referred to as mobile homes.

**MODULAR HOME.** A dwelling unit constructed on-site in accordance with the Virginia One and Two Family Dwelling Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**MONOPOLE.** A single pole structure, usually self-supporting, used to support antennas.

**NATURAL WATERCOURSE.** Any natural stream river, creek, waterway, gully, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.

**NONCONFORMING BUILDING.** Any building the size, dimensions or location of which was lawful when erected or altered, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

**NONCONFORMING LOT.** A lot, the area, dimensions or location of which was lawful at the time the lot was created, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

**NONCONFORMING USE.** A use or activity which was lawful when originally established, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

**NOT-FOR-PROFIT.** An organization or activity which has obtained nontaxable status from the U.S. Internal Revenue Service.

**OFF-STREET PARKING AREA.** Space provided for vehicular parking outside the dedicated street right-of-way.

**OPEN SPACE.** Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may include recreation centers, playgrounds, swimming pools, tennis and basketball courts, and similar facilities.

**OPEN SPACE, COMMON.** Land within or related to a development, not individually owned or dedicated for public use, which is intended for the common use or enjoyment of the residents of the development and may include such complementary structures as are necessary and appropriate. Open space may include recreation centers, playgrounds, swimming pools, tennis and basketball courts, and similar facilities.

**OUTDOOR STORAGE.** The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than 24 consecutive hours.

**OVERLAY DISTRICT.** A district established by this ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.

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**PATIO.** A level surfaced area directly adjacent to a principal building which has an average elevation of not more than 30 inches from finished grade, and without walls or a roof. A patio may be constructed of any materials.

**PORCH.** A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

**PRINCIPAL BUILDING OR STRUCTURE.** A building or structure in which the primary use of the lot on which the building is located is conducted.

**PRINCIPAL USE.** The main use of land or structures as distinguished from a secondary or accessory use.

**PRIVATE.** Unless otherwise specifically indicated, private shall mean anything not owned, operated, provided and/or maintained by a local, state, or federal government.

**PUBLIC.** Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government.

**PUBLIC WATER AND SEWER SYSTEMS.** A water or sewer system owned and operated by:

- (1) A municipality or county; or
- (2) A private individual or a corporation approved and properly licensed by the state corporation commission prior to the adoption date of this ordinance; and meeting the requirements of the state health department and/or Virginia Department of Environmental Quality.

**RECREATIONAL VEHICLE.** Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (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 recreation camping, travel or seasonal use.

**REPLACEMENT COST.** The cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the county commissioner of revenue to determine the percentage of the cost of improvements.

**RIGHT-OF-WAY.** A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded.

**SCREENING.** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. Screening is intended to substantially, but not necessarily totally obscure visual impacts between adjoining uses.

**SETBACK.** The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

**SHOPPING CENTER.** A group of commercial establishments planned, constructed and managed as a total entity with shared access, customer and employee parking provided onsite, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

**SHORT-TERM TOURIST RENTAL.** A single-family dwelling not attached to any other dwelling by any means and located on an individual lot that is rented for compensation for periods of less than 30 days. See § 180-56.4 for supplementary regulations pertaining to short-term tourist rentals.

**SPECIAL USE.** A use with operating and/or physical characteristics different from those uses permitted by right in a given zoning district which may, nonetheless, be compatible with those by-right uses under special

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conditions and with adequate public review. Special uses are allowed only at the discretion and approval of the county board of supervisors following review and recommendation by the county planning commission.

**SPECIFIED ANATOMICAL AREAS.**

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

**SPECIFIED SEXUAL ACTIVITIES.**

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse, or sodomy; and
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**STOOP.** A platform, without a roof, located at the entrance of a building with sufficient area to facilitate the ingress and egress to the building.

**STORY.** That portion of a building included between the surface of any floor and the floor next above it, or if there is not a floor above it, then the space between the floor and the ceiling above it.

**STREET.** Any vehicular way which:

- (1) Is an existing state or municipal roadway; or
- (2) Is shown on a plat approved pursuant to law; or
- (3) Is approved by other official action.

The term "street" shall include road, and highway. Unless otherwise indicated, the term "street" shall refer to both public and private streets.

**STRUCTURE.** Anything that is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes and swimming pools. Walls and fences shall not be deemed structures except as otherwise specifically provided in this ordinance.

**SUBDIVISION.** The division of a parcel of land into three or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term, when appropriate to the context shall relate to the process of subdividing, resubdivision, or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before such damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either:

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- (a) Any project for improvement for a structure to comply with existing state or county health, sanitary or safety code specifications which are solely necessary to assure safe living condition; or
  - (b) Any alteration of a structure listed on the National Register of Historic Places of the state landmarks register.

TELECOMMUNICATIONS. The transmitting and receiving of electromagnetic signals through the atmosphere.

**TRAVEL TRAILER (RECREATION VEHICLE). A portable vehicular structure built on a chassis; designed to be used for temporary occupancy for travel, recreation or vacation use; being of any length, provided that its gross weight does not exceed 4,500 pounds or being of any weight, provided that its overall length does not exceed 40 feet.**

VARIANCE. A reasonable deviation from the provision regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure in accordance with Code of Virginia, § 15.2-2201 .

WATERCOURSE- A natural or artificial channel for passage or running water fed from natural sources in a definite channel and discharging into some stream or body of water.

YARD. A required open space on a lot, unoccupied and unobstructed from the ground upward, unless otherwise provided by this ordinance.

YARD, FRONT. A yard between the building line and the street right-of-way extending across the full width of the lot.

YARD, REAR. A yard between the rear line of the building and the rear line of the lot extending the full width of the lot.

YARD, SIDE. A yard between the side line of the building and the side line of the lot extending from the front lot line to the rear lot line.

(Ord. of 11-14-13; Ord. of 9-8-15)

## **Sec. 6-200. Use types.**

(A) The purpose of use types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts in Prince Edward County, Virginia. The use types section also facilitates the process of determining the applicable use type of any activity not explicitly defined.

**(B) The use types defined herein shall apply in all zoning districts in which the use type is permitted, either by right or by special use.**

~~(B)~~ (C) In the event of any question as to the appropriate use type of any existing or proposed use or activity, the administrator shall have the authority to determine the appropriate use type. In making such determination, the administrator shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the North American Industry Classification System Manual published by the U.S. Office of Management and Budget. In addition, the administrator shall consider the specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The administrator may also determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this ordinance.

~~(C)~~ (D) The administrator shall make such determinations of appropriate use types in writing, which shall include an explanation of the reasons for the determination.

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~~(D)~~ (E) A determination of the administrator may be appealed to the board of zoning appeals pursuant to the procedures for administrative appeals outlined in section 5-128.7.

**Sec. 6-200.1. Agricultural use types.**

**AGRICULTURE.** The use of land for the production of food and fiber, including farming, dairying, pasturage, agriculture, horticulture, viticulture, aquaculture activities, and animal and poultry husbandry. A garden accessory to a residence shall not be considered agriculture. The keeping of a cow, pig, sheep, goat, chicken or similar animal shall constitute agriculture regardless of the size of the animal and regardless of the purpose for which it is kept.

**AQUACULTURE ACTIVITIES.** The cultivation, production, and raising of the natural products of water or activities related to the hatchery, nursery, and maintenance of the product, including tanks, settling facilities, wet storage areas of containers, culture containers, intake and discharge structures, or activities related to the cultivation and maintenance of algae or other feed stocks.

**COMMERCIAL FEEDLOT.** A site where animals are stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period, and where the number of animals so confined include more than 300 slaughter or feeder cattle, 200 mature dairy cattle, 750 swine, 150 horses, 3000 sheep or lambs, 16,500 turkeys or 30,000 laying hens or broilers, or any other site designated by the Virginia Department of Environmental Quality as a concentrated or intensive animal feeding operation.

**DISTILLERY.** An establishment that manufactures no more than 36,000 gallons of alcoholic beverages other than beer or wine per calendar year and which is located on a farm growing agricultural products used by establishment for the production of alcoholic beverages other than beer or wine. This use must comply with the supplemental regulations found in § 3-100.1 of this chapter.

**FARM EMPLOYEE HOUSING.** A dwelling located on a farm for the purpose of housing an employee of the farm operation and his/her family. Also included in this use type would be multi-family dwellings for seasonal employees in connection with an orchard, or any other agricultural use which relies on seasonal employees who must be housed.

**FARM STAND.** An establishment for the seasonal retail sale of agricultural goods and merchandise primarily produced by the operator on the site, or on nearby property. Agricultural goods produced on other properties owned or leased by the operator may also be allowed provided a majority of the produce comes from land surrounding the farm stand. This use type shall include agricultural products picked by the consumer.

**FARM WINERY.** An establishment, licensed as a farm winery under Virginia Code § 4.1-207 and either i) located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling the wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume; or ii) located in the commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the commonwealth and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the commonwealth. A farm winery license shall be designated as a farm winery in accordance with the limitations set forth in § 4.1-219 of the Virginia Code.

**FORESTRY OPERATIONS.** The use of land for the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the county, which shall be considered accessory to the development of the property.



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**MICROBREWERY.** An establishment that manufactures no more than 15,000 barrels of beer per calendar year and which is located on a farm growing hops, barley, other grains, or fruit used by the establishment for the production of beer. A facility shall be permitted of no more than 3,000 square feet of floor area for the production and packaging of beer for retail sale on and off premises. This use must comply with the supplemental regulations found in § 3-100.1 of this chapter.

**STABLE.** The boarding, keeping, breeding, pasturing or raising of horses or ponies by the owner or occupant of the property and/or their paying or non-paying guests. Included in this definition are riding academies.  
(Ord. of 6-14-12; Ord. of 1-12-21)

### **Sec. 6-200.3. Residential use types.**

**ACCESSORY APARTMENT.** A second dwelling unit within a detached single family dwelling or within an accessory structure on the same lot as the detached single family dwelling, which is clearly incidental and subordinate to the main dwelling unit.

**ASSISTED CARE RESIDENCE.** An establishment that provides shelter and services which may include meals, housekeeping, and personal care assistance primarily for the elderly. Residents are able to maintain a semi-independent life style, not requiring the more extensive care of a nursing home. Residents will, at a minimum, need assistance with at least one of the following: medication management, meal preparation, housekeeping, money management, or personal hygiene. At least one nurse's aide is typically on duty, with medical staff available when needed.

**HALFWAY HOUSE.** An establishment providing residential accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol or drug addiction, to persons reentering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders or circumstances.

**HOME OCCUPATION.** An accessory use of a dwelling unit for gainful employment involving the on-site production, provision, or sale of goods and/or services.

**LIFE CARE FACILITY.** A residential facility 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 lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

**MANUFACTURED HOME.** A single or multi-sectional manufactured home.

**MANUFACTURED HOME, EMERGENCY.** A manufactured home used temporarily for the period of reconstruction or replacement of an uninhabitable dwelling lost or destroyed by fire, flood, or other act of nature, or used temporarily as housing relief to victims of a federally declared disaster in accordance with section 3-100.3.

**MANUFACTURED HOME PARK.** A three-acre or larger tract of land intended to accommodate a manufactured home community of three or more spaces for lease or condominium ownership. A manufactured home park is also referred to as a "mobile home park."

**MULTI-FAMILY DWELLING.** A building or portion thereof which contains three or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, apartments for elderly housing and condominiums.

**NURSING HOME.** A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Nursing homes have doctors or licensed nurses on duty.

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**PRIVATE USE CAMPING. No more than two major recreational vehicles used for living, sleeping or other occupancy on any lot or combination of lots under one ownership, provided that such use is limited to the owner, family members or guests, and no fee is charged for CAMPING.**

**RESIDENTIAL HUMAN CARE FACILITY.** A building used as a group home where not more than 8 mentally ill, mentally retarded or other developmentally disabled persons, not related by blood or marriage, reside, with one or more resident counselors or other staff persons and for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority, pursuant to Code of Virginia, § 15.2-2291 . Excluded from this definition are drug or alcohol rehabilitation centers, half-way houses and similar uses.

**SINGLE FAMILY DWELLING.** A site built or modular building designed for or used exclusively as one dwelling unit for permanent occupancy.

**DETACHED.** A single family dwelling which is surrounded by open space or yards on all sides is located on its own individual lot, and which is not attached to any other dwelling by any means.

**ATTACHED.** Two single family dwellings sharing a common wall area, each on its own individual lot.

**TOWNHOUSE.** A grouping of three or more attached single family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

**TWO FAMILY DWELLING.** The use of an individual lot for two dwelling units which share at least one common wall, each occupied by one family. A two family dwelling is also referred to as a "duplex."

(Ord. of 11-14-13; Ord. of 3-11-14; Ord. of 11-8-16)

### **Sec. 6-200.5. Civic use types.**

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

**CAMP.** A use which primarily provides recreational opportunities of an outdoor nature on a daily or overnight basis. Included in this use type would be scout camps, religious camps, children's camps, wilderness camps, and similar uses which are not otherwise specifically described in this ordinance.

**CEMETERY.** Land used or dedicated to the burial of the dead, including columbariums, crematoriums, mausoleums, and necessary sales and maintenance facilities. Funeral Services use types shall be included when operated within the boundary of such cemetery.

**CLUB.** A use providing meeting, or social facilities for civic or social clubs, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. This definition shall not include fraternal or sororal organizations associated with colleges or universities. A club does not include a building in which members reside.

**COMMUNITY RECREATION.** A recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

**CORRECTION FACILITIES.** A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

**CRISIS CENTER.** A facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

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**CULTURAL SERVICES.** A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

**EDUCATIONAL FACILITIES, COLLEGE/UNIVERSITY.** An educational institution authorized by the commonwealth to award associate, baccalaureate or higher degrees.

**EDUCATIONAL FACILITIES, PRIMARY/SECONDARY.** 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.

**GUIDANCE SERVICES.** A use providing counseling, guidance, recuperative, or similar services for persons requiring rehabilitation assistance or therapy for only part of a 24-hour day. This use type shall not include facilities operated for the treatment of drug addiction and substance abuse.

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

**PUBLIC ASSEMBLY.** Facilities owned and operated by a public agency accommodating public assembly for sports, amusement, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, fairgrounds, and sales and exhibition facilities.

**PUBLIC MAINTENANCE AND SERVICE FACILITIES.** A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

**PUBLIC PARKS AND RECREATIONAL AREAS.** Not for profit or publicly- owned and operated parks, picnic areas, playgrounds, recreation facilities, and open spaces.

**RELIGIOUS ASSEMBLY.** A use located in a permanent building and providing regular organized religious worship and related incidental activities, except primary or secondary schools and day care facilities.

**SAFETY SERVICES.** Facilities 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 and emergency medical and ambulance services.

(Ord. of 3-11-14)

### **Sec. 6-200.7. Office use types.**

**FINANCIAL INSTITUTIONS.** Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments and free-standing automatic teller machines.

**GENERAL OFFICE.** Use of a site for business, professional, or administrative offices, excluding medical offices/ clinic. Typical uses include real estate, insurance, management, travel, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices. Retail sales do not comprise more than an accessory aspect of the primary activity of a general office.

**MEDICAL OFFICE/CLINIC.** Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which do not provide overnight care or serve as a base for an ambulance service. Excluded from this definition shall be facilities operated for the treatment of drug addiction and substance abuse. Medical offices/clinics are operated by doctors, dentists, or similar practitioners licensed by the commonwealth.

**LABORATORIES.** Establishments primarily engaged in performing research or testing activities into technological matters. Typical uses include engineering and environmental laboratories, medical, optical, dental and forensic laboratories, x-ray services, and pharmaceutical laboratories only involved in research and

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development. Excluded are any laboratories which mass produce one or more products directly for the consumer market.

**SUBSTANCE ABUSE CLINIC.** An establishment which provides outpatient services primarily related to the treatment of alcohol, or other drug or substance abuse disorders, which services include the dispensing and administering of controlled substances and pharmaceutical products by professional medical practitioners as licensed by the commonwealth.

### **Sec. 6-200.9. Commercial use types.**

**ADULT BOOKSTORE.** An establishment that devotes more than 15 percent of the total floor area utilized for the display of books and periodicals to the display and sale of the following: (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than 15 percent of the total floor area of the establishment to the sale of books and periodicals.

**ADULT DRIVE-IN-THEATRE.** An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" for observation by patrons.

**ADULT MINI-MOTION PICTURE THEATRE.** An establishment, with a capacity of more than five but less than 50 persons, where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

**ADULT MODEL STUDIO.** Any establishment open to the public where, for any form of consideration of gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation, or institution which meets the requirements established in the Code of Virginia (1950), as amended, for the issuance or conferring of, and is in fact authorized there under to issue and confer, a diploma.

**ADULT MOTION PICTURE ARCADE.** Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or specified "anatomical areas."

**ADULT MOTION PICTURE THEATRE.** An establishment, with a capacity of 50 or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown; and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

**ADULT USE.** Any adult bookstore, adult motion picture theatre, adult mini- motion picture theatre, adult motion picture arcade, adult model studio, adult drive-in theatre, or massage parlor, as defined in this ordinance.

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**AGRICULTURAL SERVICES.** An establishment primarily engaged in providing services specifically for the agricultural community which is not directly associated with a farm operation. Included in this use type would be servicing of agricultural equipment, independent equipment operators, and other related agricultural services.

**ANTIQUÉ SHOPS.** A place offering primarily antiques for sale. An antique for the purposes of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.

**ASSEMBLY HALL.** A building, designed and used primarily for the meeting or assembly of a large group of people for a common purpose. Typical uses include meeting halls, union halls, bingo parlors, and catering or banquet facilities.

**AUTOMOBILE DEALERSHIP, NEW.** The use of any building, land area or other premise for the display of new and used automobiles, trucks, vans, or motorcycles for sale or rent, including any warranty repair work and other major and minor repair service conducted as an accessory use.

**AUTOMOBILE DEALERSHIP, USED.** Any lot or establishment where three or more used motor vehicles, including automobiles, trucks, and motorcycles are displayed at one time for sale.

**AUTOMOBILE 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.

**AUTOMOBILE RENTAL/LEASING.** Rental of automobiles 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.

**AUTOMOBILE REPAIR SERVICES, MAJOR.** Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. This includes minor automobile repairs in conjunction with major automobile repairs. 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.

**AUTOMOBILE REPAIR SERVICES, 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 and similar repair and service activities where minor repairs and routine maintenance are conducted.

**BED AND BREAKFAST.** A dwelling in which not more than five bedrooms are provided for overnight guests for compensation, on daily or weekly basis, with or without meals.

**BREW PUB.** An establishment that manufactures no more than 15,000 barrels of beer per calendar year and which is located on a farm growing hops, barley, other grains, or fruit used by the establishment for the production of beer. A facility shall be permitted of no more than 5,000 square feet of floor area for the production and packaging of beer for retail sale on and off premises and including the provision of full restaurant services. This use must comply with the supplemental regulations found in § 3-100.1 of this chapter.

**BUSINESS OR TRADE SCHOOLS.** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as an educational facility, either primary and secondary, or college and university.

**BUSINESS SUPPORT SERVICES.** Establishments or places of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

**CAMPGROUND.** A plot of ground upon which 3 or more unit spaces are located, established or maintained, whether or not a fee is charged, for occupancy by a major recreational vehicle or components under the control

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~~of a major recreational vehicle. Facility providing camping or parking areas and incidental services for travelers in recreational vehicles and/or tents.~~

**CAR WASH.** Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.

**COMMERCIAL INDOOR AMUSEMENT.** Establishments which provide multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Such devices would include pinball machines, video games, and other games of skill or scoring, and would include pool and/or billiard tables, whether or not they are coin operated. Typical uses include game rooms, billiard and pool halls, and video arcades.

**COMMERCIAL INDOOR ENTERTAINMENT.** Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, and concert or music halls.

**COMMERCIAL INDOOR/OUTDOOR SPORTS AND RECREATION.** Predominantly participant uses conducted in open, enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, racquetball courts, baseball, softball, basketball, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

**COMMERCIAL OUTDOOR ENTERTAINMENT.** Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

**COMMERCIAL OUTDOOR SPORTS AND RECREATION.** Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

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**COMMUNICATION SERVICES.** Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as utility services, major or towers. Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.

**CONSTRUCTION CAMPS.** Sites that provide temporary sites and connections for recreational vehicles for a large influx of employees/labor drawn to the area by large extended construction projects. These camps are meant to minimize the strain on local resources, limit social impacts on the community and allow control and order to be imposed on the occupants.

**CONSTRUCTION SALES AND SERVICES.** Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

**CONSUMER REPAIR SERVICES.** Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

**CONVENIENCE STORE.** Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

**DANCE HALL.** Establishments in which more than ten percent of the total floor area is designed or used as a dance floor, or where an admission fee is directly collected or some other form of compensation is obtained for dancing.

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**DATA CENTER.** A facility ~~composed~~ comprised of a **building or buildings occupied by networked computers and/or telecommunications and related equipment, including supporting equipment and software applications**, for data storage that businesses and other organizations use to organize, process, store, and disseminate large amounts of data.

**DAY CARE CENTER.** Any facility operated for the purpose of providing care, protection and guidance to ten or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

**EQUIPMENT SALES AND RENTAL.** Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

**FAMILY DAY CARE HOME.** A single-family dwelling in which more than five but less than ten individuals, are received for care, protection and guidance during only part of a 24-hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted towards this total. The care of five or less individuals for portions of a day shall be considered a home occupation.

**FLEA MARKET.** Businesses engaged in the outdoor sale of used or new items, involving regular or periodic display of merchandise for sale.

**FUNERAL SERVICES.** Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include mortuaries and crematories.

**GARDEN CENTER.** Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, plant stores and lawn and garden centers.

**GASOLINE STATION.** Any place of business with fuel pumps and gasoline storage tanks which provides fuels and oil for motor vehicles.

**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 3 golf courses. Specifically excluded would be independent driving ranges and any miniature golf course.

**HOSPITAL.** A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors.

**HOTEL/MOTEL/MOTOR LODGE.** A building or group of attached or detached buildings containing lodging units intended primarily for rental or lease to transients by the day, week or month. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms and/or recreation facilities.

**HUNTING PRESERVES.** A privately owned parcel of land where animals are raised and kept undisturbed for commercial or private use for hunting, shooting, or fishing.

**KENNEL, COMMERCIAL.** The boarding, breeding, raising, grooming or training of dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

**KENNEL, NONCOMMERCIAL.** Any place equipped and/or used to house or otherwise care for five or more dogs that are kept for personal use or enjoyment and which does not meet the definition of "commercial kennel" or "boarding kennel."

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LAUNDRY. Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

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

**MOBILE FOOD ESTABLISHMENT. A readily movable motorized vehicle or towed vehicle designed and equipped for the preparation, service and/or sale of food. The units are considered to be portable and temporary by definition and not permanent fixtures to a specific property. This is a general term which includes mobile food units such as food trucks, pushcarts, concession trailers and any other mobile unit that would be considered as providing mobile food vending services.**

MINI-WAREHOUSE. A building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of 400 square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods.

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.

PERSONAL IMPROVEMENT SERVICES. Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

PERSONAL SERVICES. Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and laundromats and dry-cleaning stations serving individuals and households.

RECREATIONAL VEHICLE SALES AND SERVICE. Retail sales of recreational vehicles and boats, including service and storage of vehicles and parts and related accessories.

RESTAURANT. An establishment engaged in the preparation and sale of food and beverages. Service to customers may be by counter or table service, or by take-out or delivery.

RETAIL SALES. Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications.

**RURAL EVENTS FACILITY. A facility, located on a parcel of land 20 acres or larger in size, utilized for events typically conducted on a single day, for which attendance is permitted by invitation or reservation. Facilities may host usual and customary activities, including, but not limited to, private parties, business meetings, educational seminars, wedding receptions, wedding ceremonies, class/family reunions, showers (i.e., baby, bridal), similar events and activities for nonprofit organizations, and similar events and activities as determined by the Zoning Administrator.**

SAWMILL AND WOODYARD. The use of land for the storage of harvested timber and/or sawing of the timber into lumber products.

STUDIO, FINE ARTS. A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer.

#### **TECHNOLOGY BUSINESS**

**A business consisting of one or more than one in combination of the following**

- (a) **Electronic information operations and providers. Businesses that assist other businesses to better manage their paper documents by putting them in an electronic database that can easily be viewed by a larger group of people.**



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- (b) Internet service providers. Businesses that provide Internet service to businesses or residents.
  - (c) Software design and development. Businesses that design software or businesses that develop the design of specific software.
  - (d) Computer and peripheral sales and assembly. Businesses that assemble computers or sell the hardware associated with computers.
  - (e) Content developers. Businesses that design and build computer systems.
  - (f) Internet-based sales and services. Businesses whose primary trade is based on the Internet, be it a sales or service provider.
  - (g) Hardware design, manufacture, assembly and development. Businesses that manufacture, assemble or develop hardware design for computers.
  - (h) Telecommunications-based video service providers. Businesses that use video-conferencing or cable connections for employees to telecommute.
  - (i) Outbound or inbound call centers. Businesses that either market their product through phone calls or businesses that answer consumer questions.
  - (j) Telecommunications equipment manufacturing, assembly and service. Businesses that build, put together or service telecommunications equipment.
  - (k) Owned, operated, managed, or leased as landlord or tenant, as all or a part of a data center.

TRUCK STOP. An establishment containing a mixture of uses which cater to the traveling public and in particular motor freight operators. A truck stop might include such uses as fuel pumps, restaurants, overnight accommodations, retail sales related to the motor freight industry, and similar uses.

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.

(Ord. of 3-11-14; Ord. of 9-12-17; Ord. of 2-11-20; Ord. of 7-14-20; Ord. of 1-12-21)

### **Sec. 6-200.11. Industrial use types.**

ASPHALT PLANT. An establishment engaged in manufacturing or mixing of paving materials derived from asphaltic mixtures or tar.

CONSTRUCTION YARDS. Establishments housing facilities of businesses primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

CUSTOM MANUFACTURING. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses.

INDUSTRY, TYPE I. Establishments engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Type I Industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. A machine shop is included in this category. Also included is the manufacturing of ammunition and firearms, apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature or requiring similar production characteristics.

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**INDUSTRY, TYPE II.** 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 materials 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 III.** 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 gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity.

**LANDFILL, CONSTRUCTION DEBRIS.** The use of land for the legal disposal of construction and demolition wastes consisting of lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, and metals and plastic associated with construction and wastes from land clearing operations consisting of stumps, wood, brush, and leaves.

**LANDFILL, RUBBLE.** The use of land for the legal disposal of only inert waste. Inert waste is physically, chemically and biologically stable from further degradation and considered to be non-reactive, and includes rubble, concrete, broken bricks, and block.

**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.

**MEAT PACKING AND RELATED INDUSTRIES.** The processing of meat products and byproducts directly from live animals or offal from dead animals.

**RAILROAD FACILITIES.** Railroad yards, equipment servicing facilities, and terminal facilities.

**RECYCLING CENTERS AND STATIONS.** A receptacle or facility used for the collection and storage of recyclable materials designed and labeled for citizens to voluntarily take source separated materials for recycling.

**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.

**SCRAP AND SALVAGE SERVICES.** Places of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

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

**TRANSPORTATION TERMINAL.** A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of ground transportation, including bus terminals, railroad stations, and public transit facilities.

**TRUCK TERMINAL.** A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Postal Service.

**TRUCK YARD.** A structure or land used or intended to be used primarily to accommodate the parking or storage of trucks, truck trailers, or truck tractors in active use. A truck yard may include, as incidental uses only, facilities for the service or repair of vehicles.

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WAREHOUSING AND DISTRIBUTION. Uses including storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses include wholesale distributors, storage warehouses, moving/storage firms.

(Ord. of 6-14-12; Ord. of 7-14-20)

**Sec. 6-200.13. Miscellaneous use types.**

AMATEUR RADIO TOWER. A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the Federal Communications Commission.

AVIATION FACILITIES. Private or public land areas used or intended to be used for the take-off and landing of aircraft. Aviation facilities may include facilities for the operation, service, fueling, repair and/or storage of the aircraft.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes but need not be limited to radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone and wireless communication towers. Tower types include, but are not limited to monopoles, lattice towers, wooden poles, and guyed towers. Excluded from this definition are amateur radio towers, which are otherwise defined.

OUTDOOR GATHERING. Any temporary organized gathering expected to attract 500 or more people at one time in open spaces outside an enclosed structure. Included in this use type would be music festivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. Such activities held on publicly owned land shall not be included within this use type.

PARKING FACILITY, SURFACE/STRUCTURE. Use of a site for surface parking or a parking structure unrelated to a specific use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

SHOOTING RANGE, OUTDOOR. The use of land for archery and the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as a turkey shoot. Excluded from this use type shall be general hunting, and the unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

UTILITY SERVICES, MAJOR. Services of a regional nature which normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, water towers and tanks, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission.

UTILITY SERVICES, MINOR. Services which are necessary to support existing and future 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, and well, water and sewer pump stations. Also included are all major utility services owned and/or operated by the county, and any major utility services that were in existence prior to the adoption of this ordinance.

**ARTICLE VII. ALTERNATIVE ENERGY FACILITIES**

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## Sec. 7-100. Purpose and intent.

The intent of this article is to provide for and regulate the siting, installation, operation and decommissioning of alternative energy, or "green energy," sources in the county in a manner that promotes safe, effective and efficient use of such facilities while protecting the safety and welfare of the community. The intent is to encourage alternative energy sources while limiting negative impacts on natural resources, including pollinator and wildlife habitats, and existing agricultural, forestal, residential, commercial, industrial, historical and recreational uses of property or the future development of property in the county. This article is to provide guidance on how "green energy" may be implemented/utilized in this community. This article does not supersede or nullify any provision of local, state, or federal law that applies to alternative energy generation facilities.

(Ord. of 7-14-20)

## Sec. 7-102. 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:

**APPLICANT.** The person or entity who submits an application to the county for a zoning permit or special use permit, as the case may be, to site, develop, construct, install, and operate an alternative generation facility under this article.

**FACILITY OWNER.** The person or entity that owns all or a portion of the alternative energy facility, whether or not it owns the site on which the facility is located.

**INTEGRATED PV.** Photovoltaics incorporated into building materials, such as shingles.

**LARGE SCALE ENERGY FACILITY.** An alternative energy facility that has a rated capacity greater than 200 kw but not more than 999 kW. Large energy systems are generally used to reduce onsite consumption of utility power for commercial and industrial applications.

**OPERATOR.** The person or entity responsible for the overall operation and management of the solar energy facility, if different than the facility owner.

**PHOTOVOLTAIC or PV.** Materials and devices that absorb sunlight and convert it directly into electricity.

**PREVIOUSLY DISTURBED.** Any area of a site that has undergone mechanical land-forming, construction, or demolition activities within the past 50 years.

**PROJECT AREA.** The area within a site used for the construction and operation of the energy facility.

**RATED CAPACITY.** The maximum capacity of a solar energy facility based on the sum total of each photovoltaic system's nameplate capacity or wind generation turbine.

**RESIDENTIAL SCALE ENERGY FACILITY.** A facility that:

- (1) Utilizes generation equipment that is mounted on or over a building, grassy area or other previously disturbed area; and
- (2) Has a rated capacity of ten kilowatts or less.

**SITE.** The property containing an energy facility.

**SITE OWNER.** The person or entity that owns all or a portion of the site, if different than the facility owner.

**SMALL SCALE ENERGY FACILITY.** An energy facility that:

- (1) Has a project area of one acre or less;

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- (2) Has a rated capacity of 200 kw or less;
  - (3) Is mounted on or over a building, parking lot, or other previously disturbed area;
  - (4) Is normally used to reduce onsite consumption of energy for small scale operations such as small agricultural or commercial operations.

UTILITY SCALE ENERGY FACILITY. An energy facility which has a rated capacity of one megawatt or greater. Utility scale energy systems are generally used to provide electricity to a utility provider.

(Ord. of 7-14-20)

#### **Sec. 7-104. Applicability; permitting.**

The requirements set forth in this article shall govern the siting, development, construction, installation, operation, and decommissioning of alternative energy facilities in the county. A special use permit is required for each such facility proposed to be constructed, installed, or operated in the county except for residential scaled facility. A zoning permit is required for each residential scale energy facility proposed to be constructed, installed, or operated in the county. Use regulations for specific zoning classifications will state if alternative energy facilities are permitted in a particular zoning district as a matter of right or require a special use permit.

(Ord. of 7-14-20)

#### **Sec. 7-106. Applications, procedures and requirements for residential and small-scale energy facilities.**

For proposed residential and small-scale energy facilities, the applicant shall submit a project narrative and site plan that comply with subsections (A) and (B) in section 7-108. The signage, noise, and lighting requirements in section 7-106 shall apply to all residential and small-scale energy facilities. The fencing requirement and the height restriction in section 7-106 shall apply to all ground-mounted residential and small-scale energy facilities. The setback, vegetative buffering, and pollinator habitats requirements in section 7-110 shall apply to all residential and small-scale energy facilities in the A-1 district. Small scale energy facilities are required to have a decommissioning plan and security that comply with subsection (d) of section 7-108. The zoning administrator may require additional information from the applicant to determine whether the facility meets these requirements and qualifies as a matter of right as a small-scale energy facility.

(Ord. of 7-14-20)

#### **Sec. 7-108. Applications and procedures for large and utility scale energy facilities.**

In addition to materials required for a special use permit application, applications for large and utility scale energy facilities shall, unless otherwise provided herein, include the following information:

- (A) *Project narrative.* A narrative identifying the applicant, facility owner, site owner, and operator, if known at the time of the application, and describing the proposed energy facility, including an overview of the project and its location; the size of the site and the project area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum-rated capacity of the facility; the approximate number, representative types and expected footprint of the equipment to be constructed, including without limitation photovoltaic panels; any ancillary facilities, if applicable; and how and where the electricity generated at the facility will be transmitted, including the location of the proposed electric grid interconnection.

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- (B) *Site plan.* The site plan shall include the following information:
- (1) Property lines, minimum required setback lines under this article, and any proposed setback lines that exceed the minimum requirements in which the project is proposed.
  - (2) Existing and proposed buildings and structures, including preliminary location(s) of the proposed equipment.
  - (3) Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, turnout locations, and parking, including written confirmation from the Virginia Department of Transportation ("VDOT") that all entrances satisfy applicable VDOT requirements; provided, however, these requirements shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
  - (4) Proposed locations and maximum heights of substations, electrical cabling from the generation systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable setbacks).
  - (5) Fencing as required under this article and other methods of ensuring public safety.
  - (6) Solar panels shall have a UL listing and shall be designed with an anti-reflective coating. Individual arrays/panels shall be designed and installed in order to prevent glare toward buildings on adjacent properties and vehicular traffic.
  - (7) Areas where the vegetative buffering required in this article will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers required in this article will be installed and maintained.
  - (8) Existing wetlands, woodlands and areas containing substantial woods or vegetation.
  - (9) Identification of recently cultivated lands and predominant soil types (based on publicly available data) of those lands.
  - (10) Additional information may be required, as determined by the zoning administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed energy project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, aerial image or map of the site, and additional information that may be necessary for a technical review of the proposal. The planning commission or board of supervisors may require other relevant information deemed to be necessary to evaluate the application.
- (c) *Documentation of right to use property for the proposed facility.* Documentation shall include proof of control over the proposed site or possession of the right to use the proposed site in the manner requested. The applicant may redact sensitive financial or confidential information.
- (d) *Decommissioning plan; security.*
- (1) The applicant shall provide a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned pursuant to section 53-160. The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the zoning administrator, provided the update shall be no more frequently than once every five years and no less frequently than once every ten years.

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- (2) Prior to operation, the applicant must provide security in the amount of the estimated cost of the decommissioning. Options for security include a cash escrow, a performance surety bond, a certified check, an irrevocable letter of credit, or other security acceptable to the county in an amount equal to the estimated decommissioning cost developed and updated in accordance with the decommissioning plan acceptable to the county. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the county if the estimated cost of decommissioning the facility changes. The security must be renewed or replaced if necessary, to account for any changes in the total estimated overall decommissioning cost in accordance with the periodic updated estimates required by the decommissioning plan. At a minimum the decommissioning cost estimate shall be recalculated every five years and the surety increased when the recalculated estimate exceeds the guarantee by ten percent. Obtaining and maintaining the requisite security will be a mandatory condition of the special use permit. The security shall be in favor of the county and shall be obtained and delivered to the county before any construction commences.
  - (3) The decommissioning plan, cost estimates, and all updates of those plans and estimates shall be sealed by a professional engineer.
- (E) *Liability insurance.* The applicant shall propose a reasonable amount of liability insurance that the applicant deems adequate to cover operations at the large and utility scale energy facility prior to the issuance of a building permit. Obtaining and maintaining the requisite liability insurance will be a mandatory condition of the special use permit.
  - (F) *Landscaping and screening plan.* The applicant must submit a landscaping and screening plan that addresses the vegetative buffering required in this article, including the use of existing and newly installed vegetation to screen the facility. The plan also must address the use of pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers in the project area and in the setbacks and vegetative buffering as required in this article.
  - (G) *Erosion and sediment control plan.* An erosion and sediment control plan must be approved prior to any land disturbing activity.
  - (H) *Stormwater management plan.* A stormwater management plan must be approved by prior to any land disturbing activity exceeding one acre.
  - (I) *Virginia Cultural Resource Information System report.* A report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System must be submitted to identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.
  - (J) *Additional information.* If deemed relevant to the consideration of a special use permit application or the conditions to be included in any special use permit, the zoning administrator, planning commission or board of supervisors may require the applicant to submit any of the following information, either as part of the special use permit application or as a condition of any special use permit:
    - (1) As a condition of the special use permit, the applicant will be required to submit a construction plan, including a proposed construction schedule and hours of operation, before obtaining a building permit.
    - (2) The identification and location of any existing large or utility scale energy facilities and any known proposed large or utility scale energy facilities within a five-mile radius of the proposed site.
    - (3) A report of impact on adjacent property values prepared by a qualified third party, such as a licensed real estate appraiser.
    - (4) An economic impact analysis prepared by a qualified third party that reports any expected change in the value of the subject property, expected employment during the construction of the

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facility, any expected impact on the county's tax revenues, the estimated costs to the county associated with the facility in the form of additional services, and the information on any our economic benefits or burdens from the facility that may be requested by the zoning administrator.

- (5) A copy of the cultural resources review conducted in conjunction with the state department of historic resources for the permit by rule process shall be submitted by the applicant prior to the issuance of a building permit. This report shall be in addition to the report required in subsection (J)(1) and shall further identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.
  - (6) A report on the potential impacts on wildlife and wildlife habitats at the site and within a two-mile radius of the proposed facility using information provided by the state department of game and inland fisheries or a report prepared by a qualified third party.
  - (7) A report on potential impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed site pollinator habitat assessment form as required by the zoning administrator.
  - (8) A glint and glare study that demonstrates either that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations, or that the applicant will use all reasonably available mitigation techniques to reduce glint and glare to the lowest achievable levels. The study will assess and quantify potential glint and glare effects and address the potential health, safety, and visual impacts associated with glint and glare. Any such assessment must be conducted by qualified individuals using appropriate and commonly accepted software and procedures.
- (K) *Review fees.* The county may retain qualified third parties to review portions of a permit application that are outside the county's areas of expertise and do not have adequate state and federal review. Any out-of-pocket costs incurred by the county for such review by qualified third parties shall be paid by applicant. The third-party reviewers and their estimated costs will be submitted to applicant for approval before the costs incurred. The county may, in the alternative, accept such review by qualified third parties selected, retained and paid by the applicant.
- (L) *Community 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 facility. The meeting shall adhere to the following:
- (1) The applicant shall inform the zoning administrator and adjacent property owners in writing of the date, time and location of the meeting, at least seven 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 a newspaper of record in the county by the applicant, at least seven 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 that will 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; and
  - (5) The applicant shall provide to the zoning administrator with a summary of any input received from members of the public at the meeting.
- (M) *Exemptions.* The zoning administrator may exempt applications for facilities smaller than four acres with a rated capacity equal to or less than two megawatt (MW) from some of the requirements of this



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section; provided, however, the zoning administrator may not exempt applications from any of the requirements concerning buffering and density.

- (N) *Post-application documentation and approvals.* All documentation required to be submitted to and approvals required from the county after the issuance of the permit shall, unless otherwise stated in the conditions attached to the special use permit, be submitted or obtained no later than the date of any application for a building permit for the facility. The failure or refusal to submit required documentation or obtain required approvals following the issuance of a special use permit shall result in the suspension of the special use permit and the denial of the building permit.

(Ord. of 7-14-20)

### **Sec. 7-110. Location, appearance, and operational requirements.**

The following requirements apply to large and utility scale energy facilities:

- (A) *Visual impacts.* The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the project minimizes impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare. The applicant shall provide written certification from a qualified expert acceptable to the county that the facility's panels incorporate and utilize anti-glare technology and anti-reflective coatings and reduce glint and glare to levels that meet or exceed industry standards.
- (B) *Signage.* All signage on the site shall comply with the county sign ordinance, as adopted and from time to time amended. Appropriate warning signage and a 911 address sign shall be posted in a clearly visible manner. Warning signage must identify the owner and include a 24-hour emergency contact phone number.
- (C) *Noise.* Noise levels from the facility at the property line shall not exceed 50 dB.
- (D) *Setbacks.* The project area shall be set back a distance of at least 75 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 50 feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant. Increased setbacks up to 100 feet and additional buffering may be included in the conditions for a particular permit. Energy facilities also shall meet all setback requirements for primary structures for the zoning district in which the facility is located in addition to the requirements set forth above. 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.
- (E) *Fencing.* The project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anti-climbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all time while the facility is in operation.
- (F) *Vegetative buffer.* A vegetative buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least 15 feet wide, shall be located within the setbacks required under subsection (d), and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a special use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting and that are

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reasonably expected to grow to a minimum height of eight feet within three years. The planning commission or board of supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Noninvasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. A recommendation that the screening and/or buffer creation requirement be waived or altered may be made by the planning commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.

- (G) *Pollinator habitats.* The project area will be seeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers. The project area will be seeded promptly following completion of construction in such a manner as to reduce invasive weed growth and sediment in the project area. The owners and operator also are required to install pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers in the setbacks and vegetative buffering.
- (H) *Height.* Ground-mounted solar energy generation facilities shall not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid. Roof mounted systems shall not exceed the maximum height requirements for the applicable zoning district by more than four feet.
- (I) *Lighting.* Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall comply with any dark skies ordinance the board of supervisors may adopt or, from time to time, amend.
- (J) *Density; location, size.* Large and utility scale energy facilities shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations. In addition, no more than 5.5 percent of the land in a five-mile radius of the project area of any existing large or utility scale energy facility shall be approved for use as the project area for a new large or utility scale energy facility. In no case shall any energy facility exceed 2,513 acres. Projects consisting of multiple parcels shall be contiguous in order to be part of the same project.
- (K) *Utility connection.* No large or utility scale generation system shall be installed until evidence has been provided to the county that the owner has been approved by the appropriate electrical provider to interconnect.
- (L) *Repair of facility.* Solar panels and equipment shall be repaired or replaced when in visible disrepair. Such repairs include the restoration of non-reflective finish per manufacturer specifications.
- (M) *Entry and inspection.* The owners and/or operator will allow designated county officials access to the facility for inspection purposes, provided such inspectors will be subject to the owners' and/or operator's safety requirements and protocols while within the facility.

(Ord. of 7-14-20)

### **Sec. 7-112. Additional considerations for conditions.**

To preserve and protect county view sheds and resources, to protect the health, safety and welfare of the community, and to otherwise advance the purpose and intent of this article, the following non-exhaustive list of

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additional criteria may be considered by the planning commission and the board of supervisors in addressing whether to recommend or grant a permit, and what conditions to impose on any permit for an energy generation facility:

- (A) The topography of the site and the surrounding area.
- (B) The proximity of the site to, observability from, and impact on urban and residential areas.
- (C) The proximity of the site to other energy facilities and utility transmission lines.
- (D) The proximity of the site, observability from and impact on areas of scenic significance and of historical, cultural and archaeological significance.
- (E) The proximity of the site, observability from and impact on public rights of way to include all roads, recreational and state facilities.
- (F) The preservation and protection of wildlife and pollinator habitats and corridors.
- (G) The size of the site.
- (H) The proposed use of available technology, coatings and other measures for mitigating adverse impacts of the facility.
- (I) The preservation and protections of prime farmland and forestal land in the county, provided that:
  - 1. "Prime farmland" shall have the meaning assigned to it by the Natural Resource Conservation Service of the United States Department of Agriculture.
  - 2. If no more than ten percent of the site is prime farmland; this consideration will be waived.

The enumeration of these criteria shall not prohibit the planning commission or the board of supervisors from considering other factors deemed relevant to a specific special use permit applicant based on the details of the application. Nothing herein shall limit in any manner the nature and scope of reasonable conditions that may be recommended by the planning commission or imposed by the board of supervisors.

(Ord. of 7-14-20)

#### **Sec. 7-114. Unsafe or abandoned projects; decommissioning.**

- (A) If an energy facility has been determined to be unsafe by the county building official, the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owners or operator. The owners or operator must complete the repair or removal of the facility, as directed by the building official, within the time period allowed by the building official. If directed to do so by the building official, the owners or operator will remove the energy facility in compliance with the decommissioning plan established for the facility.
- (B) If any energy generation facility is not operated for a continuous period of 12 months, the county may notify the facility owner by registered mail and provide 45 days for a response. In its response, the facility owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action unreasonable, it may notify the facility owner, and the facility owner shall ensure removal of the facility in compliance with the decommissioning plan established for the facility.
- (C) At such time as an energy facility is scheduled to be abandoned or cease operation, the facility owner shall ensure the zoning administrator is notified in writing.
- (D) Within 365 days of the date of abandonment or non-operation, whether as declared by the county under subsection (B) or as scheduled by the owners or operator under subsection (C), the facility owner shall

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ensure the physical removal of the energy facility in compliance with the decommissioning plan established for such facility. This period may be extended at the request of the owners upon approval of the board of supervisors.

- (E) When the facility owner, site owner, operator or other responsible parties decommission an energy facility, he shall handle and dispose of the equipment and other facility components in conformance with federal, state and local requirements. All equipment both above and below ground must be removed as part of the decommissioning plan. This shall include but not be limited to above and below ground tanks, cables, fencing, debris, structures or equipment to include foundations and pads and the restoration of the land and related disturbed areas to a natural condition or other approved state.
- (F) "Natural condition" shall mean the stabilization of soil to a depth of three feet and restoration of site vegetation and topography to pre-existing condition, provided that the exact method and final site restoration plan shall be subject to site plan review and approval giving, among other items, consideration to impact upon future site use, environmental and adjacent property impacts. The zoning administrator may approve a request by the landowner to allow internal paths, roads, travel ways, landscaping, pads or other items which will serve a future permitted site use to remain. Where applicable, if the zoning administrator determines the restoration plan significantly deviates from the description and conditions approved by the board such plan shall require amendment of conditions through the zoning process.
- (G) If the facility owner, site owner, or operator fails to remove or repair any unsafe abandoned or non-operating energy facility after written notice, the county may pursue legal action to have the facility removed at the expense of the facility owner, site owner or operator, each of whom shall be jointly and severally liable for the expense of removing or repairing the facility. The county may call upon the decommissioning security to remove the facility.

(Ord. of 7-14-20)



**Board of Supervisors  
Agenda Summary**

**Meeting Date:** May 9, 2023  
**Item #:** 15  
**Department:** Community Development  
**Staff Contact:** Douglas Stanley/Robert Love  
**Agenda Item:** Comprehensive Plan

**SUMMARY:** By law, the Prince Edward County Planning Commission is charged with the responsibility of preparing and recommending a comprehensive plan to the Prince Edward County Board of Supervisors for adoption.

Section 15.2-2223 of the *Code of Virginia* requires that, “The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction. In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.”

The Code also states that, “The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.”

Prince Edward County originally adopted its first comprehensive plan in 1997. The current plan was adopted by the Board of Supervisors on October 11, 2005. Section 15.2-2230 of the Code requires that the Comprehensive Plan be reviewed by the local planning commission to determine whether it is advisable to amend the plan. The County is woefully behind schedule which has been exacerbated by the COVID-19 Pandemic.

Previous Comprehensive efforts have been completed with the assistance of the staff with the Commonwealth Regional Council (CRC). The CRC is currently working on plan updates for Cumberland, Lunenburg, and Charlotte. While the CRC has done a good job in the past, due to the anticipated growth in the community and the potential solar impacts, we have looked at outside consultants with that specific experience including Summit Engineering (Town of Smithfield, Town of Front Royal, Town of Cape Charles) and The Berkley Group (Richmond County and the Town of Farmville). The review team (Doug, Sarah, Robbie) was particularly impressed with the graphics

Motion \_\_\_\_\_  
Second \_\_\_\_\_

Cooper-Jones \_\_\_\_\_  
Emert \_\_\_\_\_

Gilliam \_\_\_\_\_  
Jenkins \_\_\_\_\_  
Jones \_\_\_\_\_

Pride \_\_\_\_\_  
Townsend \_\_\_\_\_  
Watson \_\_\_\_\_



**Board of Supervisors  
Agenda Summary**

and plan exemplified provided by Berkley. While I have never used Berkley as a consultant, they come highly recommended by the localities (including Farmville) that we contacted. Their knowledge of Farmville should also prove to be a tremendous benefit.

We have received a proposal from The Berkley Group for the project. As proposed, the project would start in October 2023 and be completed in June 2025. The Berkley Group can be procured by riding a cooperative contract with the City of Lexington.

As proposed, the project would include:

- Kickoff Work Session/County Tour
- Branding & Promotions
- Survey
- Public Input Workshop
- Stakeholder Listening Sessions
- Existing Conditions / Baseline Analysis
- Work Sessions
- Drafting
- Mapping
- Comments & Revisions
- Open House/Public Review
- Final Revisions
- Public Hearings

The County has been planning for this project since 2021. We have the following funding set aside for the project:

\$50,000 included in the FY 2022-2023 budget

\$50,000 included in the FY 2023-2024 draft budget

\$50,000 estimated that will be included in the FY 2024-2025 budget OR Solar Siting agreement funding if one of our solar projects moves forward to construction by that point in time

***\$150,000 Total***

The Planning Commission, at its meeting on April 20<sup>th</sup>, unanimously recommended approval of the contract with The Berkley Group.

**COST:** \$148,959.20 (Based on Scope of Work dated March 9, 2023)

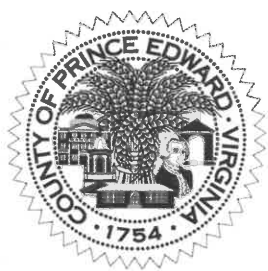
**ATTACHMENTS:** Berkley Proposal, Draft Contract, City of Lexington RFP and Contract for cooperative procurement, State Code Sections on Comprehensive Plans, 2005 Prince Edward Comprehensive Plan, Sample Plan (Richmond County)

Motion \_\_\_\_\_  
Second \_\_\_\_\_

Cooper-Jones \_\_\_\_\_  
Emert \_\_\_\_\_

Gilliam \_\_\_\_\_  
Jenkins \_\_\_\_\_  
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Townsend \_\_\_\_\_  
Watson \_\_\_\_\_



**Board of Supervisors  
Agenda Summary**

**RECOMMENDATION:** That the Board of Supervisors approve the request to approve a contract with The Berkley Group as outlined in the proposal dated March 9, 2023.

**SAMPLE MOTION:** I move that the Board of Supervisors approve the request to approve a contract with The Berkley Group as outlined in the proposal dated March 9, 2023.

OR

I move that the Board of Supervisors table action on the request for further discussion at a work session.

Motion \_\_\_\_\_  
Second \_\_\_\_\_

Cooper-Jones \_\_\_\_\_  
Emert \_\_\_\_\_

Gilliam \_\_\_\_\_  
Jenkins \_\_\_\_\_  
Jones \_\_\_\_\_

Pride \_\_\_\_\_  
Townsend \_\_\_\_\_  
Watson \_\_\_\_\_

**AGREEMENT BETWEEN  
THE BERKLEY GROUP AND  
PRINCE EDWARD COUNTY, VIRGINIA FOR  
NON-PROFESSIONAL SERVICES**

This Agreement entered into on this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between The Berkley Group, LLC, a limited liability company organized under the laws of the Commonwealth of Virginia, having offices at P.O. Box 181, Bridgewater, Virginia 22812 (Federal EIN # 27-3021021), and hereafter called "The Berkley Group", and Prince Edward County, a political subdivision of the Commonwealth of Virginia, having its administrative office at 111 N. South Street Farmville, VA 23901, and hereafter called "the Client".

**WITNESSETH:**

**WHEREAS**, the Client desires to retain the services of The Berkley Group to perform non-professional services, and

**WHEREAS**, The Berkley Group desires to provide the Client with such services as authorized by the Client, and represents that it is organized and authorized to conduct business within the Commonwealth of Virginia;

**NOW, THEREFORE**, the parties do mutually agree as follows:

**SECTION 1. STATEMENT/SCOPE OF WORK.**

- A. The Berkley Group will provide services to Client once issued individual Work Orders for each task assigned constituting the Scope of Services ("Scope of Services"/ "Services") as set forth in this Agreement.
- B. The Berkley Group will use both its staff and Subcontractors to provide the Services to Client.
- C. The Berkley Group and its Subcontractors are and shall remain independent contractors in performing the Services under this Agreement.

**SECTION 2. COMPENSATION, METHOD OF PAYMENT, TIME OF PERFORMANCE AND TERMINATION.**

- A. **Compensation.** Client shall compensate The Berkley Group for the Services performed based upon the terms described within the Fee Schedule plus an indirect cost rate for overhead as specified in each task order ("Compensation").
- B. **Payment to The Berkley Group.** Client shall pay The Berkley Group for the Services performed as set forth in the payment schedule for each Work Order. All invoices shall be due within thirty (30) days of the invoice date. Payments later than sixty (60) days shall be subject to a fifteen percent (15%) late charge fee.



- C. ***Time of Performance.*** The Berkley Group shall commence performance of the Services on \_\_\_\_\_, 2023 and shall continue such performance through \_\_\_\_\_, 2024 ("Term"). The Term shall automatically renew each year for up to five (5) years and may thereafter be extended for additional periods by written agreement of the parties pursuant to Section 6 of this Agreement but shall remain subject to termination for non-appropriation of funding.
- D. ***Termination for Convenience.*** Either the Client or The Berkley Group may terminate this Agreement at any time, by giving written notice to the other party of such termination and specifying the effective date thereof, at least 30 days before such effective date.
- (1) In the event of termination, all finished and unfinished documents and other materials produced by The Berkley Group specifically for the Client shall become the property of the Client.
  - (2) In the event of termination, The Berkley Group shall be paid for the Services performed prior to the effective date of termination. For any incomplete services, Client will provide The Berkley Group with compensation equivalent to 80% of the total executed Work Order value for the assigned task. Upon request, The Berkley Group will provide the Client with documentation of the Services performed prior to the effective date of termination.
  - (3) Termination for non-appropriation by the Client shall be made pursuant to this section.
- E. ***Termination for Default [Breach or Cause].*** The Client or The Berkley Group may terminate this Agreement for default for failure to comply with the terms of this Agreement by giving a written notice to the other party of such termination specifying the effective date thereof, at least 15 days before such effective date. The notice shall set forth the nature of the default of the Agreement.
- (1) In the event of termination by the Client, The Berkley Group shall be paid for Services performed up to the effective date of termination in accordance with the manner of performance set forth in the Agreement. If it is later determined that The Berkley Group had an excusable reason for not performing such as natural disasters or other events which are beyond the control of The Berkley Group, the Parties may agree for The Berkley Group to continue to provide the Services.
  - (2) After receipt of written notice from the Client setting forth the nature of said breach or default, The Berkley Group may request, and the Client may agree, to provide The Berkley Group time to remedy any breach or default to the satisfaction of Client. If the Client does not agree to allow The Berkley Group to

## Non-Professional Services Agreement

remedy the default, The Berkley Group shall immediately cease providing Services.

### **SECTION 3. RESPONSIBILITIES OF THE BERKLEY GROUP.**

- A. The Berkley Group agrees to use the records and information gathered or otherwise used pursuant to this Agreement for the advancement of the interests of Client, and as further provided in Section 5.D. of this Agreement.
- B. The Berkley Group will not substitute staff or Subcontractors assigned to this Agreement without the prior written consent of Client.
- C. The Berkley Group will provide all services under this Agreement in a manner consistent with applicable laws, professional standards and its best efforts.
- D. The Berkley Group, its staff and Subcontractors shall comply with Client's standards for acceptable workplace conduct and safety, and shall all times conduct themselves in a professional manner.
- E. The Berkley Group and its Subcontractors shall maintain commercial general liability insurance to cover their actions or omissions. Upon request, shall provide the Client with evidence of such insurance.
- F. The Berkley Group shall perform in accordance with, and shall not violate, applicable laws, rules or regulations, and standards prevailing in the industry and The Berkley Group shall obtain all permits or permissions required to comply with such laws, rules or regulations.

### **SECTION 4. RESPONSIBILITIES OF THE CLIENT.**

- A. Without charge to The Berkley Group, Client agrees to provide all policies, information, communications, records, data, information and forms which are available to the Client and needed by The Berkley Group in order to perform the Services, and not to include any confidential files or documents subject to confidentiality laws.
- B. On-site assignments only – the Client shall provide appropriate office space, desk, phone, computer, internet access, e-mail account, paper, access to copy machines, vehicles and other reasonably necessary office equipment, supplies or facilities for The Berkley Group during the time that The Berkley Group is on site.
- C. On-site assignments only – the Client shall defend The Berkley Group and its respective staff or Subcontractor in any legal proceedings by a third party arising out of the performance of duties on behalf of the Client.

Non-Professional Services Agreement

- D. The Client shall communicate any concerns about The Berkley Group staff or Subcontractor performance to The Berkley Group representative set forth in Section 5, unless otherwise specifically set forth within the Scope of Services.
- E. On-site assignments only – the Client agrees not to hire staff of The Berkley Group as Client’s own employee during the Term of this Agreement, and for six (6) months following termination of this Agreement.

**SECTION 5. ADMINISTRATION OF THE AGREEMENT.**

- A. All notices and communications with respect to the terms of this Agreement and the performance of the Services shall be through the Party Representatives. The Party Representatives are:

Client’s representative shall be:

\_\_\_\_\_

Name

\_\_\_\_\_

Title

\_\_\_\_\_

Phone Number

\_\_\_\_\_

email

The Berkley Group’s representative shall be:

Andrew D. Williams

Chief Executive Officer

Title

540-560-2202

Phone Number

[drew@bgllc.net](mailto:drew@bgllc.net)

email

- B. ***Incorporated Provisions.*** This Agreement shall be performed in accordance with the applicable, required contractual provisions set forth in the Client’s purchasing or procurement regulations, and the Virginia Public Procurement Act, §§ 2.2-4300, *et seq.*, VA Code Ann., in effect at the time of this Agreement, pertaining to non-discrimination § 2.2-4310 and - 4311, compliance with immigration laws § 2.2-4311.1, drug-free workplace § 2.2-4312, which provisions are incorporated herein by reference.

C. **Contractual.** Disputes with respect to this Agreement shall be governed by § 2.2-4363 VA Code Ann. or similar provision in Client's purchasing or procurement regulations.

D. **Ownership and Status of Documents.**

- (1) All documents prepared by The Berkley Group specifically for the Client shall become the property of the Client upon completion of Services, or the earlier termination of this Agreement. The Berkley Group shall have the right to retain appropriate copies of all such documents for its records upon client' approval, and to reuse any template documents which it prepared for the Client. All materials, including without limitation, documents, drawings, drafts, notes, designs, computer media, electronic files and lists, including all additions to, deletions from, alterations of, and revisions in the foregoing (together the "Materials"), which are furnished to The Berkley Group by Client or which are development in the process of performing the Services, or embody or relate to the Services, the Client Information or the Innovations (as defined below), are the property of Client, and shall be returned by The Berkley Group to Client promptly at Client's request together with any copies thereof, and in any event promptly upon expiration or termination of this Agreement for any reason.
- (2) Records prepared by The Berkley Group specifically for the Client shall be kept confidential by The Berkley Group until released or approved for release by the Client. The Berkley Group will cooperate with the Client in complying with the requirements of § 2.2-4342 VA Code Ann. and any requirements of the Virginia Freedom of Information Act applicable to such records.
- (3) The Berkley Group shall maintain financial records, supporting documents, statistical records, and other records pertinent to this Agreement for three (3) years from the date of final payment, and make those records available to the Client upon written request.

#### **SECTION 6. CHANGES TO AGREEMENT.**

- A. Any modification or change to this Agreement must be set forth in a written Addendum to this Agreement and signed by authorized representatives of both parties.
- B. The parties hereto may, from time to time, propose changes in the attached Scope of services or in The Berkley Group's performance requirements. Such changes must be mutually agreed upon by the parties in writing, signed by the authorized representatives of both parties.

**SECTION 7. MISCELLANEOUS PROVISIONS.**

- A. Protection of Confidential Information. The Berkley Group agrees that at all times during or subsequent to the performance of the Services, The Berkley Group will keep confidential and not divulge, communicate, or use Client's Information, except for The Berkley Group's own use during the Term of this Agreement to the extent necessary to perform the Services. The Berkley Group further agrees not to cause the transmission, removal or transport of tangible embodiments of, or electronic files containing, Client's Information from Client's principal place of business, without prior written approval of Client.
- B. Liability. The Client shall not be liable for injury or death occurring to The Berkley Group or any of its employees or other assistants in the course of performing this Agreement unless the harm or death is caused by the Client's gross negligence.
- C. Hold Harmless. The Berkley Group hereby indemnifies and holds harmless the Client, its subsidiaries, and affiliates, and their officers and employees, from any damages, claims, liabilities, and costs, including reasonable attorney's fees, or losses of any kind or nature whatsoever ("Loss") which may in any way arise from the Services performed by The Berkley Group hereunder, the work of employees of The Berkley Group while performing the Services of The Berkley Group hereunder, or any breach or alleged breach by The Berkley Group of this Agreement, including the warranties set forth herein. The Client shall retain control over the defense of, and any resolution or settlement relating to, such Loss. The Berkley Group will cooperate with the Client and provide reasonable assistance in defending any such claim.
- D. Taxes. The Client shall not be liable for taxes, Worker's Compensation, unemployment insurance, employers' liability, employer's FICA, social security, withholding tax, or other taxes or withholding for or on behalf of The Berkley Group or any other person consulted or employed by The Berkley Group in performing Services under this Agreement. All such costs shall be The Berkley Group's responsibility.
- E. Escalation Clause. For Auxiliary Town Hall assignments, there will be a three (3) per cent escalation assessed on an annual basis to coincide with the fiscal year.

**SECTION 8. JURISDICTION AND VENUE.**

- A. This Agreement has been and shall be construed as having been made and delivered in the Commonwealth of Virginia and shall be governed by laws of the Commonwealth of Virginia, both as to interpretation and performance.
- B. Any action of law, suit of equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in a court of competent jurisdiction in Prince Edward County, Virginia.

**SECTION 9. SEVERABILITY.**

If, for any reason, any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal, invalid, void or unenforceable, the remaining parts, terms, and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be illegal, invalid, void, or unenforceable.

**{{ SIGNATURE PAGES FOLLOW }}**

Non-Professional Services Agreement

The Berkley Group and Client hereby agree to the terms of this Agreement by signing below.

**FOR PRINCE EDWARD COUNTY**

**ATTEST:**

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Non-Professional Services Agreement

**FOR THE BERKLEY GROUP**

**ATTEST:**

\_\_\_\_\_  
Darren K. Coffey, Principal

\_\_\_\_\_  
Andrew D. Williams, CEO

Date: \_\_\_\_\_





March 9, 2023

Prince Edward County  
Attn: Douglas P. Stanley  
111 N. South Street  
Farmville, VA 23901

**RE: Comprehensive Plan Update**

Dear Mr. Stanley:

The Berkley Group is pleased to present the associated scope and fee to perform a comprehensive plan update for Prince Edward County.

If you have any questions or need additional information, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew D. Williams".

Andrew D. Williams, AICP  
Chief Executive Officer

I have reviewed the scope and fee for the associated work order, and I hereby give the consultant notice to proceed for the work described herein.

\_\_\_\_\_  
Mr. Douglas P. Stanley, County Administrator

\_\_\_\_\_  
Date

## SCOPE OF WORK

### Deliverables:

The Scope of Work to update Prince Edward County's Comprehensive Plan will include the deliverables as outlined below:

1. The County will receive an updated Comprehensive Plan. This will be submitted in one (1) digital copy with print-ready graphics in PDF and Adobe InDesign format or Microsoft Word, with format to be determined at the staff kickoff meeting.
2. The County will receive an updated Future Land Use Map. This will be submitted in one (1) digital PDF copy. Map data will be provided in an Esri-compatible GIS format.

### Assumptions:

The specific tasks required as part of this scope of work are outlined under Fees. The following assumptions shall apply:

1. **Initiation:** The County will provide up-to-date copies of the current Comprehensive Plan and maps in original format (.docx; Esri-compatible GIS). The County will also identify and provide relevant supporting documents to be considered during document review.
2. **Contact Person:** The County will identify a single staff that will be the Berkley Group's point of contact and responsible for collecting and transmitting data, resources, and reviews from other departments to the Berkley Group.
3. **Meetings/Coordination with Staff:** The Berkley Group will correspond regularly with the County point of contact. Project meetings with County staff will occur virtually up to one hour per month. If the project schedule is extended, project meetings will be charged based on hourly rates for each staff by position unless a work order amendment occurs.
4. **Kickoff Work Session / County Tour:** The County tour will occur on the same day as the kickoff joint work session with public officials. The route, stops, and attendees will be organized by County staff.
5. **Branding & Promotions:** The Berkley Group will create a brand/style for the new Comprehensive Plan and provide flyers for advertising purposes. The Berkley Group can supply general text for use on the County website, but this scope does not include the creation of a project website by the Berkley Group.
6. **Survey:** The Berkley Group will conduct an open link community-wide survey utilizing the online SurveyMonkey tool. This scope of work anticipates a 45-60 day survey period. The survey will also be provided to the County as a PDF, which the County can distribute in hard copy format. The Berkley Group will provide a digital flyer for the County to distribute; all other advertising and promotion will be the County's responsibility. The County will collect hard copy surveys within five (5) days of survey closing and transmit them electronically to the Berkley Group for manual entry into SurveyMonkey.
7. **Public Input Workshop:** The Berkley Group will facilitate up to two (2) public input workshops. The workshops will include an overview of the Comprehensive Plan process and exercises to address County-wide and area-specific issues. The County will advertise and promote the meetings and coordinate meeting location, set up, and printed materials. The Berkley Group will provide a flyer and workshop materials digitally and summarize results of the public input workshop(s) for Board and Commission consideration.
8. **Stakeholder Listening Sessions:** The Berkley Group will conduct up to five (5) listening sessions with key stakeholder groups, which will be identified and coordinated by County

staff. It is assumed that stakeholder interviews will be conducted on the same day as the public workshops, or virtually by Zoom/phone and any printed materials will be provided by the County. The Berkley Group will summarize the results of the stakeholder interviews for Board and Commission consideration.

9. **Existing Conditions / Baseline Analysis:** The existing conditions analysis will utilize readily available data from the US Census, Weldon-Cooper Center, County, and the regional planning district commission available at the time of initial drafting. The update will focus on a streamlined demographic analysis to create a user-friendly document while ensuring compliance with state code requirements for Comprehensive Plans. The scope anticipates that baseline existing conditions data will be collected and analyzed one time at the start of the project.
10. **Work Sessions:** This scope of work assumes that guidance and direction on the Comprehensive Plan will be provided through joint work sessions between the Board of Supervisors and Planning Commission. County staff will organize meeting dates, provide printed work session materials and chapter drafts, and serve as the direct point of contact for members. The last work session during the development phase of the project is anticipated to focus on overall review of the Comprehensive Plan and final edits prior to public review. The final review joint work session during the adoption phase is anticipated to focus on resolving comments from the public open house prior to the public hearing.
11. **Drafting:** Plan drafting will be based upon readily available data, studies, and community input available at the time of drafting. Additional studies (e.g., public safety, market, transportation), small area/revitalization plans, corridor plans, level of service analysis, etc. may be scoped for an additional fee.
12. **Mapping:** Mapping will utilize existing Esri-compatible map data provided by the County, the regional planning district commission, Virginia Department of Transportation, Virginia Department of Conservation and Recreation, or Virginia Geographic Information Network. With the exception of future land use and priority transportation projects, the creation of new map data is not anticipated.
13. **Comments & Revisions:** To the extent possible, comments from the Board of Supervisors and Planning Commission will be provided in a comment/response format to the Berkley Group for review and consideration prior to each work session. The fee estimate for drafting is based on revisions agreed upon during the work sessions identified in the schedule and fee estimate. One round of revisions is anticipated per chapter.
14. **Open House/Public Review:** The Berkley Group will provide a formatted draft plan for public review and present the plan in up to two (2) public open houses. The County will advertise and promote the meeting and coordinate meeting location and set up. The Berkley Group will provide a digital flyer, develop and print boards for display, and summarize comments for consideration during the final joint work session.
15. **Final Revisions:** The Berkley Group will incorporate one (1) round of revisions to address comments from the public open house and final joint work session.
16. **Public Notification:** The County will be responsible for public notification requirements (e.g., newspaper ads and mailings) associated with the project.
17. **Public Hearings:** The scope of work assumes up to two public hearings; one with the Planning Commission and one with the Board of Supervisors.
18. **Meeting Materials:** Meeting materials will be provided in digital format up to, but not earlier than, five (5) business days before a work session.
19. **Meeting Cancellations:** Meetings and work sessions cancelled with notice of less than 10 business days will be counted toward the scoped work sessions, and the client will be charged for the preparation hours for the cancelled meeting.

20. **Indirect Fee:** The indirect fees include the printing of poster-sized boards and large-format materials, meals, travel, and lodging associated with the scoped meetings. Costs for printed copies of draft or final plans is not included in the fee estimate. If hard copies are desired, the fee for professional printing will be invoiced separately to the County.
21. **Optional Services:** Optional services may be added with written authorization from the locality and subject to the following assumptions:
- A. **Additional stakeholder meetings:** Assumptions for stakeholder meetings apply.
  - B. **Additional public outreach or open house meetings:** Assumptions for public outreach and open house meetings apply.
  - C. **Additional Work Session / Meeting:** Assumptions for work sessions apply.
  - D. **Website:** If desired, the Berkley Group will develop a project website (using WIX website builder) that will be available for the duration of the project.
22. **COVID-19 Policy:** Berkley Group staff will adhere to all public health best practices as recommended by the Center for Disease Control (CDC) or state/local regulations, whichever is more stringent.

**Fee:**

The Scope of Work to update Prince Edward County's Comprehensive Plan will include the tasks and associated fees shown below. Fees for service will be invoiced monthly.

Phase	Task	Task Description	Total Cost	Est. Hours
Investigation	A1	Mobilization/Kick-off with Staff (Virtual)	\$ 920.00	12
	A2	Document Review	\$ 2,840.00	44
	A3	Plan Diagnostic	\$ 3,920.00	62
	A4	Kick-off Work Session / County tour	\$ 3,580.00	50
	A5	Branding & Promotions	\$ 3,080.00	44
	A6	Public Workshop (Up to 2)	\$ 5,200.00	82
	A7	Stakeholder Listening Sessions (Up to 5)	\$ 4,220.00	65
	A8	Community Survey (open-link & paper)	\$ 4,080.00	64
Development	B1	Work Sessions (up to 5)	\$ 14,200.00	218
	B2	Meetings/Coordination with Staff	\$ 3,600.00	50
	B3	Outline, Vision, About the Plan	\$ 3,700.00	56
	B4	Baseline Analysis / County Profile	\$ 6,400.00	100
	B5	Historic & Natural Resources	\$ 6,400.00	100
	B6	Housing & Community Development	\$ 6,400.00	100
	B7	Transportation	\$ 7,670.00	121
	B8	Land Use	\$ 8,950.00	135
	B9	Community Facilities, Infrastructure & Recreation	\$ 7,150.00	110
	B10	Economic Development	\$ 6,400.00	100
	B11	Implementation	\$ 6,000.00	88
	B12	Mapping	\$ 6,320.00	103
	B13	Plan Layout & Graphics	\$ 6,320.00	103
Adoption	C1	Public Draft Review + Open House (up to 2)	\$ 8,200.00	120
	C2	Final Review Joint Work Session (up to 1)	\$ 3,280.00	48
	C3	Incorporate Final Revisions	\$ 7,000.00	108
	C4	Public Adoption (PC & Board Hearings)	\$ 6,480.00	92
	C5	Final Deliverable	\$ 920.00	15
<b>Subtotal</b>			<b>\$ 143,230.00</b>	<b>2,190</b>
Non-direct expenses including, but not limited to, travel, printing, supplies, etc. (4% of project cost)			\$ 5,729.20	
<b>TOTAL</b>			<b>\$ 148,959.20</b>	

The following supplemental services may be employed for an additional fee:			
Options	D1	Additional Stakeholder Meeting	\$1,800/meeting
	D2	Additional Public Outreach or Open House Meetings	\$3,000/meeting
	D3	Additional Work Session / Meeting	\$3,000/meeting
	D4	Comprehensive Plan Website	\$3,000

*If the work order is not signed within three (3) months, the proposed fee expires, and the Berkley Group may propose a new fee.*

**Schedule:**

The Berkeley Group proposes to perform the tasks included in this Work Order according to the schedule outlined below. This schedule is predicated on the assistance of County staff in providing timely documentation, guidance, and scheduling of necessary meetings and work sessions.

		PROJECT TIMELINE																							
		2023						2024						2025											
Phase	#	Task Description	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June		
Investigation	A1	Mobilization/ Kick-off Meeting with Staff	V																						
	A2	Document Review																							
	A3	Plan Diagnostic																							
	A4	Kick-off Work Session / County Tour		X																					
	A5	Branding & Promotions																							
	A6	Public Workshop (up to 2)				X																			
	A7	Stakeholder Listening Sessions (up to 5)				X																			
	A8	Community Survey			O																				
Development	B1	Joint Work Sessions (up to 5)				O		X		X				X											
	B2	Meetings/Coordination with Staff																							
	B3	Outline, Vision, About the Plan						*																	
	B4	Baseline Analysis / County Profile						*																	
	B5-B13	Draft Plan Elements								*				*											
	B14	Implementation Plan																							
	B15	Mapping																							
	B16	Plan Layout & Graphics																							
Adoption	C1	Public Draft Review + Open House (up to 2)																	X						
	C2	Final Review Joint Work Session (1)																		X					
	C3	Incorporate Final Revisions																							
	C4	Public Adoption (PC & Board Hearings)																					X	X	
	C5	Final Deliverables																							

X = Anticipated In-person Attendance; V = Virtual Attendance; O = Open to Public \* = Anticipated Discussion

*If the work order is not signed and returned within 60 days, the proposed schedule expires, and the Berkeley Group may propose a new schedule.*

**SERVICE FINDER****Bids****Request for Proposals for Non-Professional Services**

**Department:** Public Works  
**Start Date:** 06/02/2022 2:45 PM  
**Close Date:** 07/22/2022 2:00 PM

**REQUEST FOR PROPOSALS FOR NON-PROFESSIONAL SERVICES**

Periodically, the City of Lexington requires non-professional services as defined by the Commonwealth of Virginia such as planning, public works, or other government administration services and technical expertise to supplement its professional staff. To meet this need, the City is issuing this request for proposals (RFP) for nonprofessional services, as defined by the Code of Virginia, from one or more firms with extensive expertise in government administration that can provide public services in one or more of the following areas:

- Auxiliary local government services (e.g., contract staff, special project assistance, etc.)
- Virtual (remote) local government services (e.g., planning, finance, human resources, project management, etc.)
- Organizational assessment
- Executive services (e.g., interim assistance, search assistance, public official or staff retreats)
- Current and long range planning (e.g., update of land use tools, policies, procedures)
- Code enforcement and revisions (e.g., update of Zoning Ordinance, Subdivision Ordinance, code enforcement program improvements)
- Public outreach and meeting facilitation (e.g., meetings with elected and appointed bodies, Town Hall meetings)
- Municipal project development and management (e.g., transportation projects, capital facilities management)
- Economic development (e.g., retail retention/attraction, marketing, branding)
- Public works assistance (e.g., water and sewer utilities, infrastructure management, other non-engineering services)
- Financial assistance (e.g., financial management, interim services, other services not requiring a CPA designation)
- Human resources assistance (e.g., compensation and classification studies, special projects)
- Public safety assistance (e.g., best practices, training, accreditation, other support as needed)
- Other local government related administrative tasks or non-professional services

The duration of any resultant contract will be one year, with automatic renewals for up to four (4) additional one-year terms.

The contract amount will be based on a rate schedule that will be incorporated into any resultant contract and will vary depending on the nature and extent of the regular services to be provided and the scope of any specific project needs.

## **RIDER CLAUSE**

This solicitation is being conducted on behalf of other public bodies pursuant to Section 2.2-4304 of the Virginia Public Procurement Act (Va. Code § 2.2-4300 et seq.). The resultant contract(s) may be extended by a contracting firm(s) to other public bodies at the stated contract prices, in accordance with the contract terms. It is each contracting firm's responsibility to notify other jurisdictions of the availability of contract(s).

Any jurisdiction "riding" the resultant contract(s) may enter into its own contract with the successful firm(s). Contracts entered into with a participating jurisdiction may contain general terms and conditions unique to that jurisdiction. The City of Lexington will not be held liable for any contract between a contracting firm and another jurisdiction.

## **SUBMISSION OF PROPOSAL**

### **General Requirements**

All responses to the requested information should be answered thoroughly but be as succinct as possible. The responses to information requested in the Specific Requirements below should be fully contained within the body of the response. No firm may submit more than one proposal.

### **Specific Requirements**

Firms must submit electronically the following information, in the order listed below, and all other information identified in this RFP. Failure to provide any of the listed items may result in elimination from consideration.

The submittal shall include the following items:

#### *Letter of Interest*

At a minimum, the letter of interest should include the following:

- a. The name and address of the firm and the state(s) in which organized.
- b. The name, address, telephone number, and email address of the designated contact and principals authorized to conduct negotiations for the firm.



- c. A brief description of the firm's interest in performing the required services.
- d. A description of previous experience with the proposed services and products.

*Description of Qualifications and Experience*

Qualifications and experience must address the requirements of this RFP in accordance with the specific scope of services being requested. At a minimum, this section should include the following:

- a. Overview of the firm, including size of organization and types of services provided.
- b. Applicable individual and corporate Virginia licensing and/or certification information.
- c. Applicable experience in one or more of the areas listed above.
- d. Two samples of work.
- e. Three client references, with contact information.

**Please submit proposals to:**

**Jani Hostetter, City Clerk**

**via email: [jhostetter@lexingtonva.gov](mailto:jhostetter@lexingtonva.gov)**

**or**

**by mail: 300 East Washington Street, Lexington, VA 24450**

**Proposals are due no later than 2:00 p.m. on July 22, 2022.**

[Return to full list >>](#)

**AGREEMENT BETWEEN  
THE CITY OF LEXINGTON, VIRGINIA  
AND THE BERKLEY GROUP FOR  
NON-PROFESSIONAL SERVICES**

This Agreement entered into on this 5th day of October, 2022 by and between The City of Lexington, a political subdivision of the Commonwealth of Virginia, having its administrative office at 300 East Washington Street Lexington, VA 24450 and hereafter called “the City” and the Berkley Group, LLC, a limited liability company organized under the laws of the Commonwealth of Virginia, having offices at P.O. Box 181, Bridgewater, Virginia 22812 (Federal EIN # 27-3021021), and hereafter called “The Berkley Group”.

**WITNESSETH:**

**WHEREAS**, the City desires to retain the services of The Berkley Group to perform non-professional services, and

**WHEREAS**, pursuant to Virginia Code Section 2.2-4304, Cooperative procurement, any public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, or the U.S. General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services. A public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies; and

**WHEREAS**, the City of Lexington issued a request for proposals as a cooperative procurement for other public bodies for nonprofessional services, for which The Berkley Group successfully responded; and

**WHEREAS**, The Berkley Group desires to provide the City with such services as authorized by the Client, and represents that it is organized and authorized to conduct business within the Commonwealth of Virginia;

**NOW, THEREFORE**, the parties do mutually agree as follows:

**SECTION 1. STATEMENT/SCOPE OF WORK.**

- A. The Berkley Group will provide services to City once issued individual Work Orders for each task assigned constituting the Scope of Services (“Scope of Services”/ “Services”) as set forth in this Agreement.
- B. The Berkley Group will use both its staff and Subcontractors to provide the Services.

Non-Professional Services Agreement

- C. The Berkley Group and its Subcontractors are and shall remain independent contractors in performing the Services under this Agreement.

**SECTION 2. COMPENSATION, METHOD OF PAYMENT, TIME OF PERFORMANCE AND TERMINATION.**

- A. **Compensation.** The City shall compensate The Berkley Group for the Services performed based upon the terms described within the Work Order Fee Schedule plus an indirect cost rate for overhead as specified in each task order (“Compensation”).
- B. **Payment to the Berkley Group.** The City shall pay The Berkley Group for the Services performed as set forth in the payment schedule for each Work Order. All invoices shall be due within thirty (30) days of the invoice date. Payments later than sixty (60) days shall be subject to a fifteen percent (15%) late charge fee.
- C. **Time of Performance.** The agreement between the City and the Berkley Group shall be active on October 5, 2022 and shall continue through October 4, 2023 (“Term”). The Term shall automatically renew each year for up to five (5) years and may thereafter be extended for additional periods by written agreement of the parties pursuant to Section 6 of this Agreement, but shall remain subject to termination for non-appropriation of funding.
- D. **Termination for Convenience.** Either the City or The Berkley Group may terminate this Agreement at any time, by giving written notice to the other party of such termination and specifying the effective date thereof, at least 30 days before such effective date.
  - (1) In the event of termination, all finished and unfinished documents and other materials produced by The Berkley Group specifically for the City shall become the property of the City.
  - (2) In the event of termination, The Berkley Group shall be paid for the Services performed prior to the effective date of termination. For any incomplete services, the City will provide The Berkley Group with compensation equivalent to 80% of the total executed Work Order value for the assigned task. Upon request, The Berkley Group will provide the City with documentation of the Services performed prior to the effective date of termination.
  - (3) Termination for non-appropriation by the City shall be made pursuant to this section.
- E. **Termination for Default [Breach or Cause].** The City or The Berkley Group may terminate this Agreement for default for failure to comply with the terms of this Agreement by giving a written notice to the other party of such termination specifying the effective date thereof, at least 15 days before such effective date. The notice shall

- B. ***Incorporated Provisions.*** This Agreement shall be performed in accordance with the applicable, required contractual provisions set forth in the City's purchasing or procurement regulations, and the Virginia Public Procurement Act, §§ 2.2-4300, *et seq.*, VA Code Ann., in effect at the time of this Agreement, pertaining to non-discrimination § 2.2-4310 and - 4311, compliance with immigration laws § 2.2-4311.1, drug-free workplace § 2.2-4312, which provisions are incorporated herein by reference.
- C. ***Contractual.*** Disputes with respect to this Agreement shall be governed by § 2.2-4363 VA Code Ann. or similar provision in City's purchasing or procurement regulations.
- D. ***Ownership and Status of Documents.***
- (1) All documents prepared specifically for the City by The Berkley Group shall become the property of the City upon completion of Services, or the earlier termination of this Agreement. Upon request The Berkley Group shall have the right to retain appropriate copies of all such documents for its records, and to reuse any template documents which it prepared for the City. All materials, including without limitation, documents, drawings, drafts, notes, designs, computer media, electronic files and lists, including all additions to, deletions from, alterations of, and revisions in the foregoing (together the "Materials"), which are furnished to The Berkley Group by the City or which are developed in the process of performing the Services, or embody or relate to the Services, the City Information or the Innovations (as defined below), are the property of the City, and shall be returned by The Berkley Group to the City promptly upon request together with any copies thereof, and in any event promptly upon expiration or termination of this Agreement for any reason.
  - (2) Records prepared by The Berkley Group specifically for the City shall be kept confidential by The Berkley Group until released or approved for release by the City. The Berkley Group will cooperate with the City in complying with the requirements of § 2.2-4342 VA Code Ann. and any requirements of the Virginia Freedom of Information Act applicable to such records.
  - (3) The Berkley Group shall maintain financial records, supporting documents, statistical records, and other records pertinent to this Agreement for three (3) years from the date of final payment, and make those records available to the City upon written request.

## **SECTION 6. CHANGES TO AGREEMENT.**

- A. Any modification or change to this Agreement must be set forth in a written Addendum to this Agreement and signed by authorized representatives of both parties.

- B. The parties hereto may, from time to time, propose changes for any scope of services in a work order under this Agreement. Such changes must be mutually agreed upon by the parties in writing, signed by the authorized representatives of both parties.

**SECTION 7. MISCELLANEOUS PROVISIONS.**

- A. Protection of Confidential Information. The Berkley Group agrees that at all times during or subsequent to the performance of the Services, The Berkley Group will keep confidential and not divulge, communicate, or use the City's Information, except for The Berkley Group's own use during the Term of this Agreement to the extent necessary to perform the Services. The Berkley Group further agrees not to cause the transmission, removal or transport of tangible embodiments of, or electronic files containing, the City's Information from the City's principal place of business, without prior written approval.
- B. Liability. The City shall not be liable for injury or death occurring to The Berkley Group or any of its employees or other assistants in the course of performing this Agreement unless the harm or death is caused by the City's gross negligence.
- C. Hold Harmless. The Berkley Group hereby indemnifies and holds harmless the City, its subsidiaries, and affiliates, and their officers and employees, from any damages, claims, liabilities, and costs, including reasonable attorney's fees, or losses of any kind or nature whatsoever ("Loss") which may in any way arise from the Services performed by The Berkley Group hereunder, the work of employees of The Berkley Group while performing the Services of The Berkley Group hereunder, or any breach or alleged breach by The Berkley Group of this Agreement, including the warranties set forth herein. The City shall retain control over the defense of, and any resolution or settlement relating to, such Loss. The Berkley Group will cooperate with the City and provide reasonable assistance in defending any such claim.
- D. Taxes. The City shall not be liable for taxes, Worker's Compensation, unemployment insurance, employers' liability, employer's FICA, social security, withholding tax, or other taxes or withholding for or on behalf of The Berkley Group or any other person consulted or employed by The Berkley Group in performing Services under this Agreement. All such costs shall be The Berkley Group's responsibility.
- E. Escalation Clause. For Auxiliary Town Hall assignments, there will be a three (3) per cent escalation assessed on an annual basis to coincide with the fiscal year.

**SECTION 8. JURISDICTION AND VENUE.**

- A. This Agreement has been and shall be construed as having been made and delivered in the Commonwealth of Virginia and shall be governed by laws of the

set forth the nature of the default of the Agreement.

- (1) In the event of termination by the City, The Berkley Group shall be paid for Services performed up to the effective date of termination. If it is later determined that The Berkley Group had an excusable reason for not performing, such as natural disasters or other events which are beyond the control of The Berkley Group, the Parties may agree for The Berkley Group to continue to provide the Services.
- (2) After receipt of written notice from the City setting forth the nature of said breach or default, The Berkley Group may request, and the City may agree, to provide The Berkley Group time to remedy any breach or default to the satisfaction of City. If the City does not agree to allow The Berkley Group to remedy the default, The Berkley Group shall immediately cease providing Services.

### **SECTION 3. RESPONSIBILITIES OF THE BERKLEY GROUP.**

- A. The Berkley Group agrees to use the records and information gathered or otherwise used pursuant to this Agreement for the advancement of the interests of the City, and as further provided in Section 5.D. of this Agreement.
- B. The Berkley Group will not substitute staff or Subcontractors assigned to this Agreement without the prior written consent of the City.
- C. The Berkley Group will provide all services under this Agreement in a manner consistent with applicable laws, professional standards and its best efforts.
- D. The Berkley Group, its staff and Subcontractors shall comply with the City's standards for acceptable workplace conduct and safety, and shall all times conduct themselves in a professional manner.
- E. The Berkley Group and its Subcontractors shall maintain commercial general liability insurance to cover their actions or omissions. Upon request, evidence of such insurance shall be provided to the City.
- F. The Berkley Group shall perform in accordance with, and shall not violate, applicable laws, rules or regulations, and standards prevailing in the industry and The Berkley Group shall obtain all permits or permissions required to comply with such laws, rules or regulations.

### **SECTION 4. RESPONSIBILITIES OF THE CITY.**

- A. Without charge to The Berkley Group, the City agrees to provide all policies, information, communications, records, data, information and forms which are available to the City and needed by The Berkley Group in order to perform the Services, and not

to include any confidential files or documents subject to confidentiality laws.

- B. On-site assignments only – the City shall provide appropriate office space, desk, phone, computer, internet access, e-mail account, paper, access to copy machines, vehicles and other reasonably necessary office equipment, supplies or facilities for The Berkley Group during the time that The Berkley Group is on site.
- C. On-site assignments only – the City shall defend The Berkley Group and its respective staff or Subcontractor in any legal proceedings by a third party arising out of the performance of duties on behalf of the City.
- D. The City shall communicate any concerns about The Berkley Group staff or Subcontractor performance to The Berkley Group representative set forth in Section 5, unless otherwise specifically set forth within the Scope of Services.
- E. On-site assignments only – the City agrees not to hire staff of The Berkley Group as City’s own employee during the Term of this Agreement, and for six (6) months following termination of this Agreement.

**SECTION 5. ADMINISTRATION OF THE AGREEMENT.**

- A. All notices and communications with respect to the terms of this Agreement and the performance of the Services shall be through the Party Representatives. The Party Representatives are:

City’s representative shall be:

James M. Halasz

Name

City Manager

Title

540-462-3700

Phone Number

jhalasz@lexingtonva.gov

Email

The Berkley Group’s representative shall be:

Andrew D. Williams

Chief Executive Officer

Title

540-560-2202

Phone Number

drew@bgllc.net

Email

Commonwealth of Virginia, both as to interpretation and performance.

- B. Any action of law, suit of equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in a court of competent jurisdiction in Rockbridge County, Virginia.

**SECTION 9. SEVERABILITY.**

If, for any reason, any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal, invalid, void or unenforceable, the remaining parts, terms, and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be illegal, invalid, void, or unenforceable.

**{{SIGNATURE PAGES FOLLOW}}**

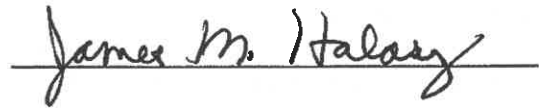


Non-Professional Services Agreement

The Berkley Group and the City of Lexington hereby agree to the terms of this Agreement by signing below.

**FOR THE CITY OF LEXINGTON**

**ATTEST:**

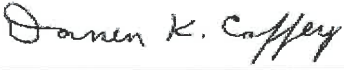
A handwritten signature in black ink, appearing to be "James M. Halary", written over a horizontal line.A handwritten signature in black ink, "James M. Halary", written over a horizontal line.

Date: 10 / 4 / 22

Non-Professional Services Agreement

**FOR THE BERKLEY GROUP**

**ATTEST:**

  
\_\_\_\_\_  
Darren K. Coffey, Principal

  
\_\_\_\_\_  
Andrew D. Williams, CEO

Date: 10/04/22

## Article 3. The Comprehensive Plan.

### § 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimate of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subsection F of § 33.2-214.

6. If the adopted transportation plan designates corridors planned to be served by mass transit, as defined in § 33.2-100, a portion of its allocation from (i) the Northern Virginia Transportation Authority distribution specified in subdivision B 1 of § 33.2-2510, (ii) the commercial and industrial real property tax revenue specified in § 58.1-3221.3, and (iii) the secondary system road construction program, as described in Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation.

7. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable measures to provide for the continued availability, quality, and sustainability of groundwater and surface water;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

6. The location of existing or proposed recycling centers;

7. The location of military bases, military installations, and military airports and their adjacent safety areas; and

8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

E. The comprehensive plan shall consider strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. To this end, local planning commissions may consult with and receive technical assistance from the Center for Innovative Technology, among other resources.

1975, c. 641, § 15.1-446.1; 1976, c. 650; 1977, c. 228; 1988, c. 268; 1989, c. 532; 1990, c. 19; 1993, cc. 116, 758; 1996, cc. 585, 600; 1997, c. 587; 2003, c. 811; 2004, cc. 691, 799; 2005, cc. 466, 699; 2006, cc. 527, 563, 564; 2007, c. 761; 2012, cc. 729, 733; 2013, cc. 561, 585, 646, 656; 2014, cc. 397, 443; 2018, cc. 420, 691, 796, 828.

#### **§ 15.2-2223.1. Comprehensive plan to include urban development areas.**

A. For purposes of this section:

"Commercial" means property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices. "Commercial" does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing, or distributing.

"Commission" means the Commission on Local Government.

"Developable acreage," solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities.

"Population growth" means the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. In computing its population growth, a locality may exclude the inmate population of any new or expanded correctional facility that opened within the time period between the two censuses.

"Urban development area" means an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and (ii) to the extent feasible, to be used for redevelopment or infill development.

B. Any locality may amend its comprehensive plan to incorporate one or more urban development areas.

1. Urban development areas are areas that may be appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, any proportional combination thereof, or any other combination or arrangement that is adopted by a locality in meeting the intent of this section.

2. The urban development areas designated by a locality may be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of either the Weldon Cooper Center for Public Service of the University of Virginia, the Virginia Employment Commission, the United States Bureau of the Census, or other official government projections required for federal transportation planning purposes.

3. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.

4. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall be shown on future land use maps contained in such comprehensive plan.

5. Urban development areas, if designated, shall incorporate principles of traditional neighborhood design, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

6. The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.

7. A portion of one or more urban development areas may be designated as a receiving area for any transfer of development rights program established by the locality.

C. No locality that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any application for rezoning based solely on the fact that the property is located outside the urban development area.

D. Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas to promote orderly and efficient development of their region.

E. Any county that amends its comprehensive plan pursuant to subsection B may designate one or more urban development areas in any incorporated town within such county, if the council of the town has also amended its comprehensive plan to designate the same areas as urban development areas with at least the same density designated by the county. However, if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town's projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.

F. To the extent possible, federal, state and local transportation, housing, water and sewer facility, economic development, and other public infrastructure funding for new and expanded facilities shall be directed to designated urban development areas or to such similar areas that accommodate growth in a manner consistent with this section.

2007, c. 896; 2009, c. 327; 2010, cc. 465, 528; 2011, c. 561; 2012, cc. 192, 518, 805, 836.

**§ 15.2-2223.2. Comprehensive plan to include coastal resource management guidance.**

Beginning in 2013, any locality in Tidewater Virginia, as defined in § 62.1-44.15:68, shall incorporate the guidance developed by the Virginia Institute of Marine Science pursuant to subdivision 9 of § 28.2-1100 into the next scheduled review of its comprehensive plan. The Department of Conservation and Recreation, Virginia Marine Resources Commission, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request.

2011, c. 885.

**§ 15.2-2223.3. Comprehensive plan shall incorporate strategies to combat projected sea-level rise and recurrent flooding**

Beginning July 1, 2015, any locality included in the Hampton Roads Planning District Commission shall incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat projected relative sea-level rise and recurrent flooding. Such review shall be coordinated with the other localities in the Hampton Roads Planning District Commission. The Department of Conservation and Recreation, the Department of Emergency Management, the Marine Resources Commission, Old Dominion University, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request. Where federal regulations as effective July 1, 2015 require a local hazard mitigation plan for participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program, such a plan may also be incorporated into the comprehensive plan. For a locality not participating in the FEMA Community Rating System, the comprehensive plan may include an action plan and time frame for such participation.

2015, c. 186.

**§ 15.2-2223.4. Comprehensive plan shall provide for transit-oriented development.**

Beginning July 1, 2020, each city with a population greater than 20,000 and each county with a population greater than 100,000 shall consider incorporating into the next scheduled and all subsequent reviews of its comprehensive plan strategies to promote transit-oriented development for the purpose of reducing greenhouse gas emissions through coordinated transportation, housing and land use planning. Such strategies may include (i) locating new housing development, including low-income, affordable housing, in closer proximity to public transit options; (ii) prioritizing transit options with reduced overall carbon emissions; (iii) increasing development density in certain areas; (iv) reducing, modifying, or waiving local parking requirements or ratios; or (v) other strategies designed to reduce overall carbon emissions in the locality.

2020, c. 14; 2021, Sp. Sess. I, c. 412.

**§ 15.2-2223.5. Comprehensive plan shall address manufactured housing.**

During an amendment of a locality's comprehensive plan after July 1, 2021, the locality shall incorporate into its comprehensive plan strategies to promote manufactured housing as a source of affordable housing. Such strategies may include (i) the preservation of existing manufactured housing communities, (ii) the creation of new manufactured home communities, and (iii) the creation of new manufactured home subdivisions.

2021, Sp. Sess. I, cc. 91, 92.

**§ 15.2-2224. Surveys and studies to be made in preparation of plan; implementation of plan.**

A. In the preparation of a comprehensive plan, the local planning commission shall survey and study such matters as the following:

1. Use of land, preservation of agricultural and forestal land, production of food and fiber, characteristics and conditions of existing development, trends of growth or changes, natural resources, historic areas, groundwater and surface water availability, quality, and sustainability, geologic factors, population factors, employment, environmental and economic factors, existing public facilities, drainage, flood control and flood damage prevention measures, dam break inundation zones and potential impacts to downstream properties to the extent that information concerning such information exists and is available to the local planning authority, the transmission of electricity, broadband infrastructure, road improvements, and any estimated cost thereof, transportation facilities, transportation improvements, and any cost thereof, the need for affordable housing in both the locality and planning district within which it is situated, and any other matters relating to the subject matter and general purposes of the comprehensive plan.

However, if a locality chooses not to survey and study historic areas, then the locality shall include historic areas in the comprehensive plan, if such areas are identified and surveyed by the Department of Historic Resources. Furthermore, if a locality chooses not to survey and study mineral resources, then the locality shall include mineral resources in the comprehensive plan, if

such areas are identified and surveyed by the Department of Energy. The requirement to study the production of food and fiber shall apply only to those plans adopted on or after January 1, 1981.

2. Probable future economic and population growth of the territory and requirements therefor.

B. The comprehensive plan shall recommend methods of implementation and shall include a current map of the area covered by the comprehensive plan. Unless otherwise required by this chapter, the methods of implementation may include but need not be limited to:

1. An official map;
2. A capital improvements program;
3. A subdivision ordinance;
4. A zoning ordinance and zoning district maps;
5. A mineral resource map;
6. A recreation and sports resource map; and
7. A map of dam break inundation zones.

Code 1950, § 15-964.1; 1962, c. 407, § 15.1-447; 1975, c. 641; 1977, c. 228; 1980, c. 322; 1981, c. 418; 1988, c. 438; 1990, c. 97; 1991, c. 280; 1993, cc. 758, 770; 1996, cc. 585, 600; 1997, c. 587; 2006, c. 564; 2007, c. 761; 2008, c. 491; 2018, cc. 420, 691; 2021, Sp. Sess. c. 532.

**§ 15.2-2225. Notice and hearing on plan; recommendation by local planning commission to governing body; posting of plan on website.**

Prior to the recommendation of a comprehensive plan or any part thereof, the local planning commission shall (i) post the comprehensive plan or part thereof that is to be considered for recommendation on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for recommendation, (ii) give notice in accordance with § 15.2-2204, and (iii) hold a public hearing on the plan. After the public hearing, the commission may approve, amend and approve, or disapprove the plan. Upon approval, the commission shall by resolution recommend the plan, or part thereof, to the governing body and a copy shall be certified to the governing body. Any comprehensive plan or part thereof approved by the commission pursuant to this section shall be posted on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof approved by the commission and certified to the governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the local planning commission following notice and public hearing as required herein

Code 1950, §§ 15-908, 15-921, 15-922, 15-964.2, 15-964.3; 1958, c. 389; 1962, c. 407, §§ 15.1-448, 15.1-449; 1968, c. 735; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2009, c. 605.

**§ 15.2-2226. Adoption or disapproval of plan by governing body.**

After certification of the plan or part thereof, the governing body shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption. After a public hearing with notice as required by § 15.2-2204, the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution; however, if a comprehensive plan amendment is initiated by the locality for more than 25 parcels, the governing body shall act within 150 days of the local planning commission's recommending resolution. Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.

Code 1950, § 15-964.4; 1962, c. 407, § 15.1-450; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2000, c. 893; 2009, c. 605; 2020, cc. 132, 760

**§ 15.2-2227. Return of plan to local planning commission; resubmission.**

If the governing body disapproves the plan, then it shall be returned to the local planning commission for its reconsideration, with a written statement of the reasons for its disapproval.

The commission shall have sixty days in which to reconsider the plan and resubmit it, with any changes, to the governing body.

Code 1950, § 15-964.5; 1962, c. 407, § 15.1-451; 1997, c. 587.

**§ 15.2-2228. Adoption of parts of plan.**

As the work of preparing the comprehensive plan progresses, the local planning commission may, from time to time, recommend, and the governing body approve and adopt, parts thereof. Any such part shall cover one or more major sections or divisions of the locality or one or more functional matters.

Code 1950, §§ 15-906, 15-921, 15-964.6; 1958, c. 389; 1962, c. 407, § 15.1-452; 1997, c. 587.

**§ 15.2-2229. Amendments.**

After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively as required by § 15.2-2204. If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution; however, if a comprehensive plan amendment is initiated by the locality for more than 25 parcels, the governing body shall act within 150 days of the local planning commission's recommending resolution. If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § 15.2-2204.

Code 1950, §§ 15-908, 15-921, 15-964.7; 1958, c. 389; 1962, c. 407, § 15.1-453; 1975, c. 641; 1997, c. 587; 2000, c. 893; 2010, c. 821; 2020, cc. 132, 760.

**§ 15.2-2230. Plan to be reviewed at least once every five years.**

At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.

Code 1950, § 15-964.8; 1962, c. 407, § 15.1-454; 1975, c. 641; 1997, c. 587.

**§ 15.2-2230.1. Public facilities study.**

In addition to reviewing the comprehensive plan, the planning commission may make a study of the public facilities, including existing facilities, which would be needed if the comprehensive plan is fully implemented. The study may include estimations of the annual prospective operating costs for such facilities and any revenues, including tax revenues, that may be generated by such facilities. For purposes of the study, public facilities may include but need not be limited to water and sewer lines and treatment plants, schools, public safety facilities, streets and highways. The planning commission may forward the study to the local governing body or any other local, regional, state or federal agency that the planning commission believes might benefit from its findings. The study shall also be forwarded to any utility companies or franchised cable operators that may be impacted by such public facilities. The utility companies, the franchised cable operators, and the locality shall cooperate and coordinate in the relocation of such utilities and cable lines as may be appropriate to avoid unnecessary delays in the construction of public facilities and capital projects by the affected localities, consistent with the service obligations of the utility companies and franchised cable operators. For purposes of this section, the term "utility company" shall not include a municipal utility that operates outside its locality's boundaries.

1998, c. 609; 2012, c. 553.

**§ 15.2-2231. Inclusion of incorporated towns in county plan; inclusion of adjacent unincorporated territory in municipal plan.**

Any county plan may include planning of incorporated towns to the extent to which, in the county local planning commission's judgment, it is related to planning of the unincorporated territory of the county as a whole. However, the plan shall not be considered as a comprehensive plan for any incorporated town unless recommended by the town commission, if any, and adopted by the governing body of the town.



Any municipal plan may include the planning of adjacent unincorporated territory to the extent to which, in the municipal local planning commission's judgment, it is related to the planning of the incorporated territory of the municipality. However, the plan shall not be considered as a comprehensive plan for such unincorporated territory unless recommended by the county commission and approved and adopted by the governing body of the county.

Code 1950, §§ 15-922, 15-964.9; 1962, c. 407, § 15.1-455; 1997, c. 587.

**§ 15.2-2232. Legal status of plan.**

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility, park or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body, provided that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility, park or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no


more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right; (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or 56-594.01 or by a small agricultural generator under § 56-594.2; or (iii) the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. 587, 858; 1998, c. 683; 2007, c. 801; 2009, cc. 670, 690; 2012, cc. 803, 835; 2016, c. 613; 2018, cc. 175, 318; 2020, c. 665; 2022, c. 181. 4/13/202


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## TOWN MANAGER'S OFFICE

**C. Scott Davis, LP.D.**  
Town Manager

**Jacqueline B. Vaughan**  
Executive Assistant

April 19, 2023

Doug Stanley, County Administrator  
Prince Edward County  
111 South Street  
Farmville, VA 23901

Dear Mr. Stanley,

I am writing this letter to recommend the services of the Berkley Group to you. During the past five (5) years the Town of Farmville has been working with the Berkley Group on several projects. The firm offers high quality services, and we have always been satisfied by their work.

One of the projects that the Berkley Group worked on was the Town's rewrite of the Comprehensive Plan and major revisions to the Zoning and Subdivision Ordinances. For this project, the Berkley Group conducted a full review of the land use tools and related planning and land use documents, to assess and ensure compliance with the Code of Virginia, identified any deficiencies, and added best practices to the Comprehensive Plan and Ordinances. The Berkley Group is very knowledgeable, has a robust team of planners, and provided vital information needed to complete the project.

During the process of rewriting the Comprehensive Plan and revising the Zoning and Subdivision Ordinances, the Berkley Group studied the Town's demographic layout and history. They met with the Farmville Town Council and the Farmville Planning Commission members to discuss past, current, and future needs and concerns for the Town. They held two (2) community input sessions, conducted a survey, and held two (2) public meetings at the end of the project for feedback before the required public hearings. Their work with staff throughout the process was seamless.

In conclusion, I would recommend the Berkley Group as a professional firm that has the knowledge and resources to complete a variety of projects. The Town of Farmville has been very pleased with all the projects completed and ongoing by this firm. If you have any questions or need additional information, please feel free to contact me at 434-392-5686 or [sdavis@farmvilleva.com](mailto:sdavis@farmvilleva.com).

Sincerely,

C. Scott Davis, LP.D.  
Town Manager

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