

# **Prince Edward County Zoning Ordinance**

**Effective October 1, 2007**

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**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 Prince Edward County Board of Supervisors has adopted the provisions of this ordinance pursuant to the declaration of legislative intent contained in Sec. 15.2-2200, and the authority contained in Secs. 15.2-2280 and 15.2-2281 of the Code of Virginia, as amended.

**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 Prince Edward 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 Prince Edward County Virginia, 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:

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.





## Special Purpose Districts

- CR College Residential District
- VC Village Center District
- CH Cluster Housing Overlay District

### 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, right-of-ways 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.

(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 Sec. 5-128.1 (D)

## 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 Prince Edward 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 \*
- Farm Employee Housing
- Farm Stand
- Forestry Operation
- Stable \*

##### 2. Residential Use Types

- Accessory Apartment \*
- Home Occupation \*
- Manufactured Home
- Manufactured Home, Accessory \*
- Manufactured Home, Emergency \*
- Manufactured Home Subdivision
- Residential Human Care Facility
- Single Family Dwelling, Detached
- Two Family Dwelling

**3. Civic Use Types**

Administrative Services  
Camps  
Cemetery \*  
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  
Hunting Preserves  
Veterinary Hospital/Clinic

**6. Industrial Use Types**

(None)

**7. 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**

(None)

**2. Residential Use Types**

Family Day Care Home \*

**3. Civic Use Types**

Educational Facilities, College/University  
Educational Facilities, Primary/Secondary

**4. Office Use Types**

Financial Institutions  
General Offices

**5. Commercial Use Types**

Auto Repair Services - Minor  
Campgrounds  
Construction Sales and Services  
Convenience Stores  
Day Care Center \*  
Gasoline Stations  
Golf Course  
Hotel/Motel/Motor Lodge  
Kennel, Commercial  
Restaurant  
Sawmill and Woodyard

**6. Industrial Use Types**

Meat Packing and Related Industries  
Resource Extraction

**7. Miscellaneous Use Types**

Outdoor Gathering \*  
Shooting Range, Outdoor  
Tower \*

Utility Services, Major

**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)**

1. **Maximum Density:** .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 (2) 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

**Rear Yard:** 70 feet

2. **Accessory Structures:**

**Front Yard:** No Requirement

**Side Yard:** No Requirement

**Rear Yard:** No Requirement

**(C) Maximum Height of Structures**

1. **Principal Structures:** Unlimited

## 2. Accessory Structures: Unlimited

**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 Prince Edward 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
- Manufactured Home, Accessory
- Manufactured Home, Emergency \*
- Manufactured Home Subdivision
- Residential Human Care Facility
- Single Family Dwelling, Detached
- 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. Miscellaneous Use Types**

Amateur Radio Tower \*  
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**

(None)

**2. Residential Use Types**

Family Day Care Home \*  
Single Family Dwelling, Attached  
Townhouse \*

**3. Civic Use Types**

Assisted Care Residence  
Clubs  
Correction Facilities  
Cultural Services  
Halfway House  
Life Care Facility  
Nursing Home

**4. Office Use Types**

Financial Institutions  
General Offices

**5. Commercial Use Types**

Automobile Repair Services - Minor  
Campgrounds  
Commercial Outdoor Sports and Recreation  
Construction Sales and Services  
Convenience Store  
Day Care Center \*  
Equipment Sales and Rental  
Flea Market  
Funeral Services  
Garden Center  
Gasoline Station  
Golf Course  
Kennel, Commercial

**Mini Warehouses \***  
**Retail Sales**

**6. Industrial Use Types**

**Asphalt Plant \***  
**Construction Yard**  
**Custom Manufacturing**  
**Railroad Facilities**  
**Resource Extraction**  
**Scrap and Salvage Services**

**7. Miscellaneous Use Types**

**Aviation Facility**  
**Outdoor Gathering \***  
**Shooting Range, Outdoor**  
**Tower \***  
**Utility Services, Major**

**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 (2) 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**

**Rear Yard: 70 feet**

**2. Accessory Structures:**

**Front Yard: No Requirement**

**Side Yard: No Requirement**

**Rear Yard: No Requirement**

**(C) Maximum Height of Structures**

**1. Principal Structures: Unlimited**

**2. Accessory Structures: Unlimited**

**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  
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 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**

**Family Day Care Home \***  
**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. 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.

**(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**

**Side Yard: No Requirement**

**Rear Yard: No Requirement**

**(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 \*  
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**

**Family Day Care Home \***  
**Single Family Dwelling, Attached**  
**Townhouse \***  
**Two Family Dwelling**

**3. Civic Use Types**

(None)

**4. Office Use Types**

(None)

**5. Commercial Use Types**

- Convenience Store
- Gasoline Station
- 6. Industrial Use Types

(None)

- 7. Miscellaneous Use Types

Utility Service, Major

**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

Side Yard: No Requirement

Rear Yard: No Requirement

**(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.

**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  
Family Day Care Home  
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**

(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 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**

(None)

**3. Civic Use Types**

(None)

**4. Office Use Types**

(None)

**5. Commercial Use Types**

(None)

**6. Industrial Use Types**

(None)

**7. Miscellaneous Use Types**

Utility Service, Major

**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

Side Yard: No Requirement

Rear Yard: No Requirement

**(C) Maximum Height of Structures**

- 1. Principal Structures: 35 feet**
- 2. Accessory Structures: 25 feet**

**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. 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: 3 acres**
- 2. Frontage: 300 feet on a public street**

##### **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: 5 feet**
- 3. Rear Yards: 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.
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 Sec. 5-120. The written and graphic information submitted by the applicant as part of the application process shall constitute proffers pursuant to Sec. 5-122 of this ordinance. Once the Board of Supervisors has approved the final master plan, all accepted proffers shall constitute conditions pursuant to Sec. 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.
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 Sec. 15.2-2204 of the Code of Virginia, as amended.
- (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 Sec. 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;
  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 (5) 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**

Manufactured Home, Emergency \*

**3. Civic Use Types**

Administrative Services

Assisted Care Residence

Cemetery \*

Clubs

Community Recreation

Crisis Center

Cultural Services

Educational Facilities, College/University

Educational Facilities, Primary/Secondary

Guidance Services

Life Care Facility

Nursing Home

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**

**Automobile Repair Services, Minor**

**Bed and Breakfast \***

**Business or Trade School**

**Business Support Services**

**Campground**

**Car Wash**

**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**

**Dance Hall**

**Day Care Center \***

**Equipment Sales and Rental**

**Flea Market**

**Funeral Services**

**Garden Center**

**Gasoline Station**

**Hospital**

**Hotel/Motel/Motor Lodge**

**Kennel, Commercial**

Laundry  
Manufactured Home Sales \*  
Mini Warehouse \*  
Pawn Shop  
Personal Improvement Services  
Personal Services  
Recreational Vehicle Sales and Service \*  
Restaurant  
Retail Sales  
Studio, Fine Arts  
Veterinary Hospital/Clinic

**6. Industrial Use Types**

Recycling Centers and Stations  
Transportation Terminal

**7. Miscellaneous Use Types**

Amateur Radio Tower \*  
Utility Service, Minor

**(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**

(None)

**3. Civic Use Types**

Correction Facilities  
Halfway House

**4. Office Use Types**

Substance Abuse Clinic \*

**5. Commercial Use Types**

Adult Uses \*

Automobile Repair Services, Major \*

Golf Course

Sawmill and Woodyard

Truck Stop

**6. Industrial Use Types**

Construction Yard

Custom Manufacturing

Transfer Station

Truck Terminal

**7. Miscellaneous Use Types**

Aviation Facility

Outdoor Gathering \*

Parking Facility, Surface/Structure

Tower \*

Utility Service, Major

**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 Sec. 5-124 of this ordinance.

**2. Accessory Structures:**

**Front Yard:** No Minimum Requirement

**Side Yard:** 5 feet

**Rear Yard:** 5 feet

**(C) Maximum Height of Structures**

**1. Principal Structures:** 65 feet

**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

Day Care Center \*

Equipment Sales and Rental

Laundry

Manufactured Home Sales \*

Mini-Warehouse \*

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. Miscellaneous Use Types**

**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**

**Industry Type III  
Landfill, Construction Debris  
Landfill, Rubble  
Landfill, Sanitary  
Resource Extraction  
Scrap and Salvage Services**

**7. Miscellaneous Use Types**

**Tower \***

**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: 5 feet**



**Rear Yard: 5 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 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. Miscellaneous Use Types**

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)

**2. Residential Use Types**

(None)

**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 \***

**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

**Side Yard:** 5 feet

**Rear Yard:** 5 feet

**(C) Maximum Height of Structures**

1. **Principal Structures:** 75 feet
2. **Accessory Structures:** 25 feet

**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.

**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**

(None)

**2. Residential Use Types**

Home Occupations\*  
Single Family Dwelling, Attached  
Single Family Dwelling, Detached

**3. Civic Use Types**

Cemetery  
Clubs  
Cultural Services  
Educational Facility, Primary/Secondary  
Public Parks and Recreational Areas  
Religious Assembly  
Safety Services

**4. Office Use Types**

Financial Institution

**General Office  
Medical Office**

**5. Commercial Use Types**

**Antique Shop  
Automobile Repair Services, Minor  
Day Care Centers  
Gasoline Station  
Personal Services  
Restaurant  
Retail**

**6. Industrial Use Types**

**(None)**

**7. Miscellaneous Use Types**

**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**

**(None)**

**3. Civic Use Types**

**(None)**

**4. Office Use Types**

**(None)**



**5. Commercial Use Types**

Convenience Store  
Gasoline Station

**6. Industrial Use Types**

(None)

**7. Miscellaneous Use Types**

Tower \*

**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

Side Yard: 5 feet

Rear Yard: 5 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 Prince Edward 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.
- (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: .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
- 5. Minimum Frontage: 40 feet
- 5. Minimum Setbacks:  
Front Yard: 15 feet

**Side Yard: 5 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% 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 Sec. 5-124 and Sec. 6-100 of this ordinance.**

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

### **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 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.**

<b>Beef or dairy cattle</b>	<b>60 acres for the first structure and 15 acres for each additional structure.</b>
<b>Swine</b>	<b>50 acres for the first structure and 10 acres for each additional structure.</b>
<b>Poultry</b>	<b>15 acres for the first structure and 5 acres for each additional structure.</b>

**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 Sec. 5-126 of this ordinance.**

- 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 1500 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 1500 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 Sec. 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 Sec. 4-100 through Sec. 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.
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 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.

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.

Stable

(A) General Standards:

(None)

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

1. Minimum lot size: 2 acres
2. On lots less than 5 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.

### **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.

#### **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 Virginia Department of Social Services, as may be amended.

#### **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 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 Sec.5-114.

**Manufactured Home, Accessory**

**(A) As may be permitted in Article II, District Regulations, accessory manufactured homes shall be allowed provided the following standards are met:**

1. The manufactured home was manufactured on or after July 1, 1976.
2. The manufactured home shall only be occupied by members of the family that resides in the principal dwelling on the property. In addition, a medical doctor shall certify in writing to the County that the health care needs of a family member necessitate that other family members reside on the property.

3. The manufactured home shall be placed on the parcel in accordance with the provisions of Sec. 4-400.9 of this ordinance.

#### 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 Sec.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 3 acres.
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 (6) 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 6 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: 5 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 Sec. 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.

<b>Number of Bedrooms in Unit</b>	<b>Square feet Required</b>
<b>Efficiency</b>	<b>1,500</b>
<b>One Bedroom</b>	<b>2,000</b>
<b>Two Bedroom</b>	<b>2,500</b>
<b>Three Bedrooms</b>	<b>3,000</b>
<b>Four or more Bedrooms</b>	<b>3,500</b>

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.

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 10 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.

### 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 Sec. 4-100 of this ordinance. The submitted site plan shall be approved by the County prior to commencing development of the site. A final subdivision plat pursuant to the provisions of the Prince Edward 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 10 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 twelve 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 sixteen 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 fifteen feet.**
11. **In addition to any buffer yard requirements as specified in Sec. 4-200.3 of this ordinance, the minimum side yard for any contiguous townhouse grouping adjacent to property outside the townhouse development shall be twenty-five 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 twenty-five 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.
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.

#### **Sec. 3-100.5 Civic Use Types**

##### **Cemetery**

###### **General Standards:**

1. Minimum Parcel Size: 5 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 Title 57, Chapter 3, Section 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 one thousand (1,000) feet of any other such substance abuse clinic.**
- 2. No substance abuse clinic may be constructed, developed or operated within five hundred (500) feet of a residentially or agriculturally zoned district, or within five hundred (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 one thousand (1,000) feet of any other such adult use in any zoning district.**
- 2. No adult use may be constructed, developed or operated within five hundred (500) feet of a residentially or agriculturally zoned district, or within five hundred (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. 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 Sec. 4-300.11 of this ordinance.
2. A perimeter landscaping strip and landscaping shall be provided as required by Sec. 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 Sec. 4-300.11 of this ordinance.
2. A perimeter landscaping strip and landscaping shall be provided as required by Sec. 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.

### Day Care Center

#### General Standards:

1. All day care centers shall comply with the Minimum Standards for Day Care Centers established by the Virginia 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.

### Manufactured Home Sales

### **General Standards:**

- 1. A perimeter landscaping strip and landscaping shall be provided as required by Sec. 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 1 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 Sec. 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 Sec. 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 10 foot landscaped area consisting of small evergreen trees and evergreen shrubs.
  8. Accommodations for a live-in manager shall be permitted.
  9. Lighting shall be in accord with Sec. 4-400.1.

### Recreational Vehicle Sales and Service

#### General standards:

1. A perimeter landscaping strip and landscaping shall be provided as required by Sec. 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.

### Sec. 3-100.11 Industrial Use Types

#### Asphalt Plants

#### General standards:

1. A Type C buffer yard shall be required in accordance with Sec. 4-200.3.
2. If an asphalt plant is proposed within 1000 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.

#### **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 seventy-five (75) feet. Any tower which exceeds this height may be permitted only after obtaining a special use permit in accordance with Sec. 5-124 of this ordinance and the additional criteria established under (C) for such permits below.

(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 Sec. 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.
- (C) General Standards:

- 1. No tower or related facilities shall be located within 500 feet of any residential district.**
- 2. No tower shall exceed 199 feet in height, including antennas.**
- 3. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FCC or FAA, be painted a neutral color.**
- 4. 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.**
- 5. 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.**
- 6. 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. Failure to bring a tower into compliance with such revised standards and regulations shall constitute grounds for the revocation of the special use permit, and removal of the tower at the owner's expense.**
- 7. 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.**
- 8. Each applicant requesting a special use permit for a new tower shall submit 2 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.

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. 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.

9. 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.
10. 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.**
- 11. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.**
  - 12. Towers shall be enclosed by security fencing not less than six feet high and shall be equipped with an appropriate anti-climbing device.**
  - 13. 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.**
  - 14. 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.**
  - 15. 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.**

## **Sec. 3-102          Accessory Uses and Structures**

As defined in Sec.600-100 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.

#### **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.
5. Incidental retail sale of goods associated with the industrial use type provided the square footage does not exceed 10 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.**

## **ARTICLE IV            DEVELOPMENT STANDARDS**

### **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 and structures used solely for agricultural purposes, except where required by Section 3-100.1 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.
- (B) All required site plans shall be prepared by a professional engineer, or land surveyor, who is registered by the Commonwealth of Virginia. 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 Sec. 4-400.3 shall be required for all uses or development not requiring a site plan.

### **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 right-of-ways 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.
- (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.

**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.
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 right-of-ways 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 Sec. 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. 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.

**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 10 feet (1"=10'), or less than one inch equals fifty 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 of Virginia, 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 forty-five 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 Sec. 15.2-2261 of the Code of Virginia, as amended, 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 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 Virginia 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 right-of-ways 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 Sec. 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 Sec.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 of Virginia. 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 County code.
- (H) Proposed exterior site lighting shall be in accord with Sec. 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 Sec.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 Sec. 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**

TABLE 1	Adjoining Zoning				
	A1	A2	R1	R2	R3
Site Zoning	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.
- (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 2 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.

#### **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 Prince Edward 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.

**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 Sec. 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 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.

**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 twenty 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 twenty 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 eighteen 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 on page 118.

**USE TYPE**

**PARKING REQUIRED**

**(A) Agricultural Use Type**

<b>Agriculture</b>	<b>No Requirement</b>
<b>Farm Stand</b>	<b>No Requirement</b>
<b>Forestry Operations</b>	<b>No Requirement</b>
<b>Stable</b>	<b>No Requirement</b>

**(B) Residential Use Types**

<b>Accessory Apartment</b>	<b>One space</b>
<b>Family Day Care Home</b>	<b>No Requirement</b>
<b>Home Occupation</b>	<b>No Requirement</b>
<b>Manufactured Home</b>	<b>2 spaces per Dwelling Unit (DU)</b>
<b>Manufactured Home, Emergency</b>	<b>No Requirement</b>
<b>Manufactured Home Park</b>	<b>2 spaces per D.U.</b>
<b>Multi-Family Dwelling</b>	
<b>Studio</b>	<b>1 space Per D.U.</b>
<b>One Bedroom</b>	<b>1.5 spaces per D.U.</b>
<b>Two and Three Bedrooms</b>	<b>2 spaces per D.U.</b>
<b>Four or more Bedrooms</b>	<b>2.5 spaces per D.U.</b>
<b>Residential Human Care Facility</b>	<b>2 spaces per facility</b>
<b>Single Family Dwelling</b>	<b>2 spaces per D.U.</b>
<b>Townhouse</b>	
<b>One Bedroom</b>	<b>1.5 spaces per D.U.</b>
<b>Two and Three Bedrooms</b>	<b>2 spaces per D.U.</b>

Four or more Bedrooms	2.5 spaces per D.U.
Two Family Dwelling	2 spaces per D.U.

**(C) Civic Use Types**

Administrative Services	1 space per employee plus 3 spaces per 1000 square feet
Assisted Care Residence	1 space per employee on shift plus one space per three residents
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
Halfway House	1 space per two persons of residential capacity, plus 1 space

	per employee on shift
Life Care Facility	Schedule B
Nursing Home	1 space per employee on shift plus 1 space per 3 residents
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

**(D) Office Use Types**

Financial Institutions	3 spaces per 1000 square feet plus required stacking spaces
General Offices	3.5 spaces per 1000 square feet
Medical Office/Clinic	7 spaces per practitioner or 1 space per 200 square feet, whichever is greater
Laboratories	1 space per employee plus one space per company vehicle based on site

**(E) Commercial Use Types**

Agricultural Services	Schedule A
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<b>Antique Shops</b>	<b>1 space per 400 square feet</b>
<b>Assembly Hall</b>	<b>1 space per 5 seats</b>
<b>Automobile Dealership, New</b>	<b>Schedule A</b>
<b>Automobile Dealership, Used</b>	<b>Schedule A</b>
<b>Automobile Repair Services, Major</b>	<b>2 spaces per repair bay plus 1 space per employee on shift</b>
<b>Automobile Repair Services, Minor</b>	<b>3 spaces per repair bay plus 1 space per employee on shift</b>
<b>Automobile Rental/Leasing</b>	<b>Schedule A</b>
<b>Automobile/Parts Supply, Retail</b>	<b>Schedule A</b>
<b>Business Support Services</b>	<b>1 space per 200 square feet</b>
<b>Business or Trade Schools</b>	<b>Schedule B</b>
<b>Campground</b>	<b>1 space per camp site</b>
<b>Car Wash</b>	<b>1 space per employee on shift plus stacking spaces</b>
<b>Commercial Indoor Amusement</b>	<b>1 space per 3 persons based on maximum occupancy</b>
<b>Commercial Indoor Entertainment</b>	<b>1 space per 4 seats plus on space per employee on shift</b>
<b>Commercial Indoor Sports and Recreation</b>	<b>1 space per 3 persons based on maximum occupancy plus 1 space per employee on shift</b>
<b>Commercial Outdoor Entertainment</b>	<b>1 space per 3 persons based on maximum occupancy plus 1 space per employee on shift</b>
<b>Commercial Outdoor Sports and</b>	

<b>Recreation</b>	
<b>Miniature Golf</b>	1.5 space per hole
<b>Swimming Pool</b>	Schedule B
<b>Tennis/Court Games</b>	2 spaces per court
<b>Other Outdoor Sports</b>	Schedule B
<b>Communication Services</b>	1 space per 300 square feet plus 1 space per company vehicle based on site
<b>Construction Sales and Services</b>	Schedule A
<b>Consumer Repair Services</b>	1 space per 300 square feet
<b>Convenience Store</b>	5 spaces plus 1 space per 200 square feet plus one space per gas dispenser.
<b>Dance Hall</b>	1 space per 3 persons based upon maximum occupancy
<b>Day Care Center</b>	1 space per employee on shift plus one space per three persons receiving care
<b>Equipment Sales and Rental</b>	Schedule A
<b>Flea Market</b>	1 space per 100 square feet of sales area accessible to the public
<b>Funeral Services</b>	1 space per 2 employees on shift plus one space per 5 seats in main chapel
<b>Garden Center</b>	Schedule A
<b>Gasoline Station</b>	1 space per employee plus required stacking spaces
<b>Golf Course</b>	36 spaces per 9 holes

<b>Bed and Breakfast</b>	<b>1 space per sleeping room available for guests</b>
<b>Hospital</b>	<b>1 space per employee on shift plus one space per 2 beds</b>
<b>Hotel/Motel/Motor Lodge</b>	<b>1 space per guest room plus one space per employee, plus spaces as may be required for other uses on site</b>
<b>Kennel, Commercial</b>	<b>Schedule B</b>
<b>Laundry</b>	<b>1 space per 300 square feet</b>
<b>Manufactured Home Sales</b>	<b>Schedule B</b>
<b>Mini Warehouses</b>	<b>2 spaces for any live-in manager unit plus 2 spaces per 100 storage units</b>
<b>Pawn Shop</b>	<b>1 space per 300 square feet</b>
<b>Personal Improvement Services</b>	<b>1 space per 300 square feet</b>
<b>Personal Services</b>	<b>1 space per 300 square feet</b>
<b>Recreational Vehicle Sales and Service</b>	<b>Schedule A</b>
<b>Restaurant</b>	<b>1 space per four seats plus 1 space per employee on shift, plus required stacking spaces</b>
<b>Retail Sales</b>	
<b>Shopping Center</b>	<b>1 space per 250 square feet</b>
<b>Other Retail</b>	<b>1 space per 200 square feet</b>
<b>Studio, Fine Arts</b>	<b>Schedule B</b>
<b>Truck Stop</b>	<b>Schedule B</b>

Veterinary Hospital/Clinic

1 space per 300 square feet

**(F) Industrial Use Types**

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



**(G)Miscellaneous Use Types**

Aviation Facilities	Schedule B
Tower	2 spaces per tower
Outdoor Gathering	Schedule B
Shooting Range	Schedule B

**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

**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.

**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.

**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 Sec.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 Prince Edward County Subdivision Ordinance with respect to applicable frontage, setback and lot area requirements for each lot created.

**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 Prince Edward 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.

**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 right-of-ways 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 right-

of-ways, 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 of Prince Edward 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 Prince Edward 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.
  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. Insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to Sec. 15.2-2311 of the Code of Virginia; 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 Sec. 15.2-2307 of the Code of Virginia.
- (C) The Administrator may be authorized to grant a maximum of a ten (10) percent, or a maximum of a one (1) 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 Sec. 15.2, Chapter 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.

**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 Sec. 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.

**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 five-hundred dollars.
  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 Sec. 15.2-2286.A.5 of the Code of Virginia, any violation of any provision of this ordinance shall be a misdemeanor punishable by a fine of not less than \$10.00 nor more that \$1000.00.

**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 Sec. 15.2-2209 of the Code of Virginia, as amended. The Board of Supervisors shall establish the amount of the civil penalty.

**Schedule of Violations Subject To Civil Penalties**

- 1. \$200 First Violation
- 2. \$500 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 (10) day period, and the total civil penalties from a series of such violations arising from the same set of operative facts shall not exceed five thousand dollars (\$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 right-of-ways.

**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.

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 Sec. 15.2-2204 of the Code of Virginia, as amended. Property owners shall receive written notice of the proposed amendment as required by Sec. 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 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 Sec. 15.2-2204, with public notice as required by Sec. 15.2-2204 and Sec. 15.2-2285 of the Code of Virginia, as amended. 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 Sec. 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 Sec. 15.2-2204 of the Code of Virginia.
- (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 right-of-ways.
- (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 Sec. 15.2-2297 of the Code of Virginia, 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 Sec. 15.2-2297 of the Code of Virginia.
- (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 15.2-2298 of the Code of Virginia as amended.
  - 4. The conditions must not provide for mandatory dedications for public facilities not otherwise provided for in 15.2-2241 of the Code of Virginia.
  - 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 Sec. 15.2-2241 of the Code of Virginia.
  - 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 Sec. 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 thirty 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 Sec. 500-120.

**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.

- (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 Prince Edward 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.

**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 Sec. 15.2- 2204 of the Code of Virginia, as amended. Posting of the property announcing the public hearing shall be done in accordance with Sec. 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 Sec. 15.2- 2204 of the Code of Virginia, as amended.

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.

#### **Sec. 5-126.1 Nonconformities; Relationship to Vested Rights**

Nothing in this ordinance shall impair any vested right. Pursuant to Sec. 15.2-2307 of the Code of Virginia, 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.

**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.
- (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.
- (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.

**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 Prince Edward 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 Sec. 15.2-2308 of the Code of Virginia, as amended.

**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 Sec. 15.2-2204 of the Code of Virginia, as amended.
  
- (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 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 Sec. 15.2-2204 of the Code of Virginia, as amended. In addition, posting of the property shall be required as provided for in Sec. 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 Sec. 15.2-2204 of the Code of Virginia, as amended.
- (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 Sec. 15.2-2204 of the Code of Virginia, as amended. 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 ninety (90) days of the filing of the application. No such application shall be heard except after notice and hearing as provided by Sec. 15.2-2204 of the Code of Virginia, as amended. 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 thirty (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.

### **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 ninety (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 thirty (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 (10) 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.

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 Prince Edward 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.

**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 Prince Edward 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, Sec.55-79 et seq., Code of Virginia, 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 preparation, such as clearing, grading and filling; nor does it include the installation of streets and /or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**COUNTY** – The term County shall mean Prince Edward County, Virginia.

**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 Sec. 15.2-2280 et seq. of the Code of Virginia.

**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.

**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.

**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.

**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. 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 twenty-four 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.

**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 Prince Edward 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.

**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 conditions and with adequate public review. Special Uses are allowed only at the discretion and approval of the Prince Edward County Board of Supervisors following review and recommendation by the Prince Edward 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.

**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 fifty (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 fifty (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 (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.

**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 Sec. 15.2-2201 of the Code of Virginia, as amended.

**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.

**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) 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) The Administrator shall make such determinations of appropriate use types in writing, which shall include an explanation of the reasons for the determination.
- (D) A determination of the Administrator may be appealed to the Board of Zoning Appeals pursuant to the procedures for administrative appeals outlined in Sec. 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, 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.

**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.

**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.

**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 Prince Edward County, which shall be considered accessory to the development of the property.

**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.

### **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.

**FAMILY DAY CARE HOME** - A single family dwelling in which more than five but less than 10 individuals, are received for care, protection and guidance during only part of a twenty-four 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 5 or less individuals for portions of a day shall be considered a home occupation.



**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.

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

**MANUFACTURED HOME, ACCESSORY** - A manufactured home that is subordinate to a single family dwelling on a single lot.

**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 Sec. 300-100.3.

**MANUFACTURED HOME SUBDIVISION** - A 10 acre or larger community of manufactured home dwellings with lots that are subdivided for individual ownership.

**MANUFACTURED HOME PARK** - A 3 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.

**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 Sec. 15.2-2291 of the Code of Virginia. 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.”

#### **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.

**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 aid is typically on duty, with medical staff available when needed.

**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.

**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 of Virginia 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 of Virginia.

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

**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.

**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.

**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.

**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.

**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 of Virginia.

**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 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 of Virginia.

#### **Sec. 6-200.9 Commercial Use Types**

**ADULT BOOKSTORE** - An establishment that devotes more than fifteen (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 fifteen (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 (5) but less than fifty (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 or 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 (5) or fewer persons per machine at any one (1) 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 fifty (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.

**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 5 bedrooms are provided for overnight guests for compensation, on daily or weekly basis, with or without meals.

**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** - 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 SPORTS AND RECREATION** - Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis 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.

**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 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 10 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.

**DAY CARE CENTER** - Any facility operated for the purpose of providing care, protection and guidance to 10 or more individuals during only part of a twenty-four 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 twenty-four 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.

**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.

**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.

**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.

**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.

**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.

#### **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 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.

**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.

**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.

### **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 Prince Edward County, Virginia, and any major utility services that were in existence prior to the adoption of this ordinance.