Chapter 83

ZONING ORDINANCE

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ARTICLE I. GENERAL PROVISIONS

Sec. 83-100. Title.

This chapter shall be officially known as the "Zoning Ordinance of Powhatan County, Virginia" and may be referred to as "this chapter" or "these regulations."
(Ord. No. O-2014-12, 6-2-14)

Sec. 83-101. Authority.

(a) General authority to adopt zoning ordinance. The zoning ordinance establishes the county's zoning regulatory authority as authorized by the Code of Virginia, and is adopted in accordance with:

(1) The enabling authority contained in Chapter 22 of Title 15.2 and, most specifically, in Code of Virginia § 15.2-2200 et seq.;

(2) All other relevant laws of the Commonwealth of Virginia; and

(3) Whenever any provision of this chapter refers to or cites a section of the Code of Virginia (abbreviated as VA Code Ann.), and that section is later amended or superseded, this chapter shall be deemed amended to refer to the amended section or the section that corresponds to the superseded section.

(Ord. No. O-2014-12, 6-2-14)

Sec. 83-102. Zoning ordinance—General purpose and intent.

The board of supervisors adopts this chapter for the purpose of promoting the public health, safety, and general welfare of the citizens and landowners of Powhatan County, accomplishing the objectives of the Va. Code Ann., and implementing the Powhatan County Comprehensive Plan. This chapter is also adopted for the purposes and intent to:

(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 overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic, or other 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 and other lands of significance for the protection of the natural environment;

(9) Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;

(10) Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the county as well as a reasonable proportion of the current and future needs of the planning district within which the county is situated;

(11) Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;

(12) Protect surface water and ground water; and

(13) Implement the Powhatan County Comprehensive Plan and any special area plans adopted by the county.

(Ord. No. O-2014-12, 6-2-14)

Sec. 83-103. Applicability and jurisdiction.

(a) *General applicability.* This chapter applies to the development of all lands within unincorporated Powhatan County, unless it is expressly exempted by a specific section or subsection of this chapter.

(b) *No development until compliance with this chapter.*

(1) Unless exempted, no land shall be developed without compliance with this chapter and all other applicable county, state, and federal regulations.

(2) Land or a building or structure shall not be occupied unless a certificate of occupancy is approved in accordance with the county's building code.

(3) Any permit issued in violation of this chapter is null and void.

(Ord. No. O-2014-12, 6-2-14)

Sec. 83-104. Relationship with other laws.

(a) *Conflicts with other county codes or laws.* If a provision of this chapter is inconsistent with another provision of this chapter, or with a provision found in other codes or ordinances of the county, the more restrictive provision shall govern. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

(Ord. No. O-2014-12, 6-2-14)

Sec. 83-105. Zoning district map.

(a) *Generally.*

(1) The zoning district map designates the location and boundaries of the various base zoning districts and overlay zoning districts established in this chapter. The zoning district map shall be kept on file in the community development department and is available for public inspection during normal business hours. It may be kept in either hardcopy or digital form.

(2) The community development department shall maintain digital or printed copies of superseded versions of the zoning district map for historical reference.

(3) The zoning district map and all the notations thereon is incorporated herein by reference and made part of this chapter.

(b) *Split zone district classifications of parcels.*

(1) Changes made in zoning district boundaries on the zoning district map shall not result in two or more zoning district classifications on an individual parcel of land.

(2) A conditional zoning (see section 83-123(d), conditional zoning) may result in two or more zoning district classifications on an individual parcel of land if a concept plan for development of the individual parcel is approved as part of the conditional rezoning, and the conditions of approval adequately assure a plan for development that appropriately mitigates impacts and provides for development that is compatible with surrounding uses.

(3) Lot line adjustment plats shall not result in two or more zoning district classifications on an individual parcel of land.

(Ord. No. O-2014-12, 6-2-14)

Sec. 83-106. Transitional provisions.

(a) *Nonconformities.* If any use, structure, lot, sign, or site feature legally existed before the adoption of the applicable section of this chapter, but does not fully comply with the standards of this chapter, the use, structure, lot, sign or site feature is considered nonconforming under this chapter and shall comply with the requirements in Article IX, Nonconformities.

(Ord. No. O-2014-12, 6-2-14)

Sec. 83-107. Use districts.

(a) For the purpose of this chapter, Powhatan County is divided into 24 districts which shall be designated as follows:

(1)	Agricultural-20	A-20
(2)	Agricultural-10	A-10
(3)	Agricultural/Animal Confinement	A-C

(4)	Rural Residential	R-R
(5)	Rural Residential-5	RR-5
(6)	Crossroads	CR
(7)	Single-family Residential	R-2
(8)	Village Residential	VR
(9)	Village Center	VC
(10)	Commerce Center	CC
(11)	Light Industrial	I-1
(12)	Heavy Industrial	I-2
(13)	Mining and Mineral Extraction	M
(14)	Village Residential Planned Development	VR-PD
(15)	Village Center Planned Development	VC-PD
(16)	Commerce Center Planned Development	CC-PD
(17)	Route 711 Village Special Area Plan Overlay 711	VSAPO
(18)	Residential Utility	R-U
(19)	Residential Commercial	R-C
(20)	Office	O
(21)	General Commercial	C
(22)	Courthouse Square Center	CHSC
(23)	Historic Overlay	H
(24)	Floodplain Overlay	FP

(b) Minimum lot size.

Minimum Lot Size Reference Chart	
Scenario	*Result*
Minimum Lot Size (A-10 District)	10 acres
Lot Line Adjustment (A-10 District)	2 acres for parent tract on a public road; 10 acres for all other parcels; the result of the lot line adjustment may not create any additional non-conforming parcels
Lot Line Adjustment (RR District)	10 acres; parcels less than 10 acres may be increased but not decreased in size by the lot line adjustment
Single cut subdivision exception; main parcel on public road (A-10 District)	2 acres for the single cut parcel plus 2 acres for the residual parcel (4 acres total)
Single cut subdivision exception; main parcel on private road (A-10 District)	2 acres for the single cut parcel plus 10 acres for the residual parcel (12 acres total); private road must be upgraded to state specifications from the state road to the single cut parcel; minimum lot size to be computed outside the 50' right-of-way

Minimum Lot Size Reference Chart	
Scenario	*Result*
Family member division (A-10 District)	2 acres for the family division parcel plus 4 acres for the residual parcel (6 acres total)
Family member division (RR District)	2 acres for the family division parcel plus 4 acres for the residual parcel (6 acres total)
Family member division (R-2 District)	2 acres for the family division parcel plus 2 acres for the residual parcel (4 acres total)
Family member division (R-U District)	2 acres for the family division parcel plus 2 acres for the residual parcel (4 acres total)
Large lot subdivision exception (A-10 District)	10 acre minimum lot size; if on a private road, minimum lot size is to be computed outside the 50' right-of-way
Charitable exception (A-10 District)	2 acres for the charitable exception parcel plus 10 acres for the residual parcel
Second dwelling for family member (per conditional use permit in A-10 District); main parcel on public road	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member
Second dwelling for guest house or non-family member (per conditional use permit in A-10 District)	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member
Second dwelling on 2 lot private road (regardless of occupant, per conditional use permit in A-10 District)	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member
Second dwelling on 3-10 lot private road (regardless of occupant, per conditional use permit in A-10 District)	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member
Second dwelling on lot in any private road subdivision that is eligible for a single cut (per conditional use permit in A-10 District)	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2014-12, 6-2-14; Ord. No. O-2020-19, 2-22-21; Ord. No. O-2025-21, § 1, 6-23-25)

Sec. 83-108. District boundaries.

The boundaries of these districts are hereby established as shown on the zoning maps of Powhatan County, Virginia, said maps being on file in the office of the zoning administrator. (Ord. No. O-2013-06, 9-16-13; Ord. No. O-2014-12, 6-2-14)

Sec. 83-109. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of any district as shown on the Zoning Maps, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following plotted lot lines shall be construed to follow such lot lines;

(3) Boundaries indicated as approximately following city or town limits shall be construed as following such limits;

(4) Boundaries indicated as following railroad lines or utility lines shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way;

(5) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

(6) Boundaries indicated as parallel to, or extension of, features indicated in numbers (1)—(5) above shall be so construed;

(7) Distances not specifically indicated on the zoning maps shall be determined by the scale of said maps;

(8) Where physical or cultural features existing on the ground are at variance with those shown on the zoning maps, or in other circumstances not covered by numbers (1)—(7) above, the administrator shall have the authority to interpret the district boundaries (section 83-123(o), interpretation (zoning));

(9) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the board of zoning appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district boundary into the remaining portion of the lot.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2014-12, 6-2-14)

Sec. 83-110. Application of district regulations.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

(1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered:

a. To exceed the height or bulk;

b. To accommodate or house a greater number of families;

c. To occupy a greater percentage of lot area;

d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this chapter.

(3) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(4) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(5) The ordinance from which this chapter is derived is intended to be an inclusive ordinance. Only those uses, structures, or features permitted in specific district regulations shall be allowed.

(6) Use types are listed for each district and may be one of the following:

a. Permitted uses;

b. Conditional uses;

c. Accessory uses;

d. Temporary uses.

A particular use category or use type allowable in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards should be reviewed in Article VII, use standards.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2014-12, 6-2-14)

Secs. 83-111—83-120. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 83-121. Development review.

(a) *Board of zoning appeals.* The board of zoning appeals (BZA) has been established in accordance with Code of Virginia § 15.2-2308 et seq.

(1) *Membership, appointment, and terms of office.*

a. General.

1. The BZA shall consist of five members, appointed by the circuit court.
2. Members shall be residents of the county.
3. Members shall be appointed for five-year, staggered terms.
4. Members may serve an unlimited number of terms.
5. Members shall continue to serve until their successors are appointed.
6. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

(2) *Powers and duties.* In accordance with Code of Virginia § 15.2-2309, the BZA shall have the following powers and duties:

a. Application review. To review and decide applications for:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision;
2. A variance permit (zoning or floodplain); and
3. Appeals of the following decisions:
   i. Decisions of the zoning administrator;
   ii. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary;
   iii. Zoning compliance permits;
   iv. Post-disaster temporary dwelling permits; and

v. Notices of zoning violations.

b. Other powers and duties. To carry out any other powers and duties delegated to it by the board of supervisors, consistent with the Code of Virginia.

(b) *Director of community development (director).* The director is designated by the county administrator to administer and enforce the provisions of the zoning ordinance.

(1) *Powers and duties.* The director, or his designee, shall have the following powers and duties under this chapter:

a. General.

1. Invoke any other lawful procedure available to the county, such as injunction, abatement or otherwise, as may be necessary to prevent, restrain, correct or abate any violation of the zoning ordinance.

2. Review and decide all questions with respect to the interpretation and application of the zoning ordinance.

b. Recommendation. To review and make recommendations on applications for the following:

1. Text Amendments;

2. Zoning district map amendments (rezonings);

3. Conditional zonings;

4. Planned developments;

5. Conditional use permits;

6. Certificates of approval;

7. Site plans (inside of the Route 711 Special Area Plan Overlay District);

8. Private road approvals.

(c) *Zoning administrator (administrator).* The zoning administrator (administrator) is designated by the county administrator to administer this chapter.

(1) *Powers and duties.* The administrator shall be charged with the administration and enforcement of this chapter in accordance with Code of Virginia § 15.2-2286, and:

a. Review and decide. To review and decide applications or take actions regarding the following:

1. Temporary business permits;

2. Sign permits;

3. Floodplain permits;

4. Zoning compliance permits;

5. Interpretations to this chapter (including the boundaries of the zoning district map), except for chapter 68: Subdivisions; and

6. Notices of violations.

b. Recommendation. To review and make recommendations on applications for the following:

1. Variance permits (zoning);

2. Variance permits (floodplain);

3. Appeals (zoning); and

4. Appeals (floodplain).

c. Additional duties. The administrator shall have the following additional duties:

1. Review applications and submit staff reports to advisory and decision-making bodies, as appropriate;

2. Maintain the zoning district map and related materials;

3. Provide expertise and technical assistance to the county's other review and decision-making bodies, upon request, and as appropriate; and

4. Enforce this chapter in accordance with Article X: Enforcement.

(Ord. No. O-2014-12, 6-2-14)

Sec. 83-122. Standard procedures.

(a) *General.* This section describes the standard procedural steps and other rules that are generally applicable to all development applications reviewed under this chapter, unless otherwise expressly exempted or alternative procedures are specified in section 83-123, Specific review procedures. The procedural flow charts in section 83-123, Specific review procedures, generally depict the procedural steps that apply to the review of the particular type of development application.

(b) *Pre-application conference.*

(1) *Purpose.* The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for the community development staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in this chapter.

(2) *Applicability.*

a. Pre-application conference required. A pre-application conference between the applicant and the community development staff shall be held before submittal of the following applications:

1. Zoning district map amendments (rezonings);

2. Conditional zonings;
3. Planned developments;
4. Conditional use permits;
5. Certificates of approval;
6. Site plans;
7. Temporary business permits;
8. Variance permits (zoning); and
9. Variance permits (floodplain).

b. *Pre-application conference optional.* A pre-application conference may be requested and held at the applicant's option for any development application other than those listed in section 83-122(B)(2)(a), Pre-application conference required.

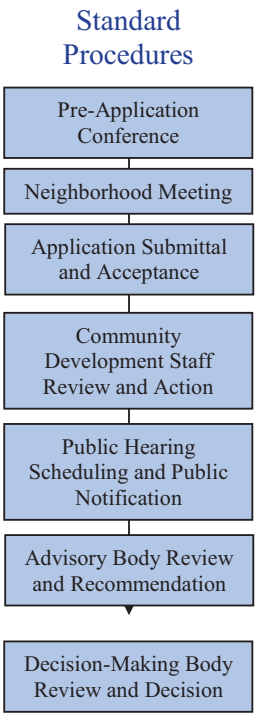


Fig. 83-122

(3) *Required information submitted prior to conference.*

a. Except for a pre-application conference associated with a zoning district map amendment (rezoning), the applicant shall submit a conceptual plan or conceptual drawings that show the location, general layout, and main elements of the development to be proposed as part of the application. Conceptual plans or conceptual drawings shall be submitted to the community development staff at least three business days before the pre-application conference.

b. Pre-application conferences related to an application for a zoning district map amendment (rezoning) shall include a written description of the nature and purpose of the zoning district map amendment (rezoning).

(4) *Scheduling.* Upon receipt of the request for a pre-application conference, the community development staff shall schedule the pre-application conference and notify the applicant of the time and place of the pre-application conference.

(5) *Conference determinations.* Community development staff shall review the materials submitted by the applicant prior to the conference, and at the conference, ask the applicant questions about the proposed application, and identify any concerns, problems, or other factors the applicant should consider about the application.

(6) *Effect.* The pre-application conference is intended as a means of facilitating the review process. Discussions held in accordance with this section are not binding on the county. Processing times for review of development applications do not begin until a formal application is submitted and determined to be complete.

(c) *Neighborhood meeting.*

(1) *Purpose.* The purpose of the pre-application neighborhood meeting is to inform owners and occupants of nearby lands about a proposed development application that is going

to be reviewed under this chapter, and to provide the applicant an opportunity to hear comments and concerns about the development proposal as a means of resolving conflicts and outstanding issues, where possible.

(2) *Favored practice.* Neighborhood meetings are encouraged as opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by development proposals.

(3) *Procedure.* If a neighborhood meeting is held by the applicant, it shall comply with the following procedures:

a. Time and place. The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the proposed application. It shall be scheduled after 5:00 p.m. on a weekday.

b. Notification.

1. Mailed notice.

i. The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the director and all persons to whom mailed notice of a public hearing on the development application is required (see section 83-130, Public hearing notice).

ii. If a public hearing is not required for the application, mailed notice shall be provided to all landowners and occupants within 300 feet of the lot lines of the land subject to the application.

2. Posted notice. The applicant shall post notice of the neighborhood meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the director.

3. Notice content. The notice shall state the time and place of the meeting and general nature of the development proposal.

c. Conduct of meeting. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns neighbors raise about the proposed application, and discuss ways to resolve conflicts and concerns.

d. Written summary of neighborhood meeting. The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the development proposal, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.

e. Response to summary. Any person attending the neighborhood meeting may submit a written response to the applicant's meeting summary to the community development staff after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appro-

priate. All written responses to the applicant's summary of the neighborhood meeting shall be transmitted to the community development staff and applicant, and included with the application materials.

(d) *Application submittal and acceptance.*

(1) Authority to file applications.

a. Unless expressly stated otherwise in this chapter, development applications reviewed under this chapter shall be submitted by:

1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or

2. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person.

b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

(2) *Application content.*

a. Requirements for the content and form for each type of specific development application reviewed under this chapter are set forth in the appendix and/or administrative manual. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable standards.

b. Applications for a zoning district map amendment (rezoning), conditional use permit, special exception permit, and variance (zoning or floodplain) shall include satisfactory evidence that any delinquent real estate taxes owed to the county that have been assessed against the property subject to the application have been paid.

(3) *Application fees.* The board of supervisors is authorized to establish application fees, by ordinance, and may amend and update those fees as necessary.

(4) *Submittal and review schedule.* The director is authorized to and shall establish specific rules for the submittal and review schedule (including time frames for review, if appropriate, and consistent with this chapter and the Code of Virginia) for the various types of development applications. The director may amend and update these rules as is determined necessary to ensure effective and efficient review under this chapter.

(5) *Application submittal.* Applications shall be submitted to the community development staff in the form established by the director, along with the appropriate application fee.

(6) *Determination of application completeness.*

a. Completeness review. On receiving an application, the community development staff shall, within ten business days, determine whether the application is complete or incomplete. A complete application is one that:

1. Contains all information and materials required by this chapter, as required for submittal of the particular type of application;

2. Is in the form required by this chapter as required for submittal of the particular type of application;

3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the applicable review standards of this chapter; and

4. Is accompanied by the fee established for the particular type of application.

b. Application incomplete.

1. Upon determining that the application is incomplete, the community development staff shall provide the applicant written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness determination.

2. If the applicant fails to resubmit an application within 45 calendar days after being first notified of submittal deficiencies, the application shall be considered withdrawn.

3. The community development staff shall not process an application for further review until it is determined to be complete.

c. Application complete. On determining that the application is complete, the community development staff shall accept the application for review in accordance with the procedures and standards of this chapter.

(7) *Application revision.*

a. An applicant may revise an application after receiving initial staff review comments on the application, or upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by the staff, or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application.

b. Any other revisions to the application may be submitted at any time during the review procedure, but the revised application shall be submitted to the community development staff and reviewed as if it were a new application. The revised application submittal may be subject to additional application fees to defray the additional costs of processing the revised application.

(8) *Application withdrawal.*

a. An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the community development staff.

b. Applications withdrawn before required notice of any public hearing scheduled for the application shall not be subject to limitations on the subsequent submittal of similar applications (see section 83-122(g), Limitation on subsequent similar applications). One-half (50 percent) of the application fees shall be refunded.

c. Applications withdrawn after required notice of any public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications (see section 83-122(g), Limitation on subsequent similar applications). Application fees shall not be refunded for withdrawn applications.

(e) *Community development staff review and action.*

(1) *Staff review.*

a. When an application is determined complete, it shall be distributed by community development staff to all appropriate staff and review agencies for review and comment, and the preparation of a staff report.

b. In considering the application, the community development staff, or other county staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application is referred.

(2) *Staff report and recommendation.* Upon completion of the community development staff review on an application, community development staff shall prepare a written staff report on the application, unless the director or administrator is to review and make a decision on the application, in which case section 83-122(e)(4)a.1. below applies. The staff report shall conclude whether the application complies with applicable review standards of this chapter, and in cases where additional review by an advisory or decision-making body is required, recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in section 83-123, Specific review procedures. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.

(3) *Distribution and availability of application and staff report.* In cases where a development application is subject to review by an advisory or decision-making body, community development staff shall take all the following actions within a reasonable time period before the meeting or public hearing at which the application is scheduled for review:

a. Schedule and ensure notice (if appropriate) of any required public hearing on the application in accordance with the Code of Virginia and table 83-130, Public hearing notification timing under the Code of Virginia;

b. Transmit the application, related materials, and the staff report to the appropriate advisory or decision-making body;

c. Transmit a copy of the staff report to the applicant; and

d. Make the application, related materials, and the staff report available for examination by the public in the community development department during normal business hours, and make copies of such materials available at a reasonable cost.

(4) *Applications subject to decision by director or administrator.*

a. Decision.

1. If an application is subject to staff review and a final decision by the director or administrator, as appropriate, a staff report may be prepared at the discretion of the county official reviewing and making a decision on the application.

2. After review of the application, the director or administrator, as appropriate, shall approve, approve subject to conditions, or disapprove the application, based on the review standards set forth in section 83-123, Specific review procedures, for the particular type of application. If the decision is to disapprove the application, the director or administrator, as appropriate, shall provide the applicant, in writing, the specific reasons for disapproval, and in general terms, any such modifications or corrections that will allow approval of the application.

3. In instances where the application is disapproved, the applicant may revise the application in response to the specific reasons identified for the disapproval, within six months, and resubmit it for reconsideration.

4. After review of the resubmitted application, the director or administrator, as appropriate, shall approve, approve subject to conditions (if appropriate), or disapprove the application, based on the review standards set forth in section 83-123, Specific review procedures, for the particular type of application.

b. Conditions of approval. If permitted by law and if appropriate for the particular type of application, conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of this chapter. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the development permit or approval.

c. No change to relied-upon decision. In no event shall a written order, requirement, decision, or determination (hereinafter, "decision") made by either the director or administrator, as appropriate, or other administrative officer be subject to change, modification, or reversal by the director, administrator, or any other administrative officer after 60 days have elapsed from the date of the decision,

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

(f) *Deferral of application.* An applicant may request that consideration of a development application at a public hearing be deferred by submitting a written request for deferral to the community development staff.

(1) *Director action.* If public notification has not been provided, the director shall consider and decide the deferral request. A request for deferral shall be approved only for good cause.

(2) *Action.*

a. If public notification has been provided, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the body. The body may approve the request for deferral for good cause.

b. The applicant shall be responsible for a re-advertising fee which shall be paid in full, prior to the application being placed on an upcoming public agenda.

(g) *Limitation on subsequent similar applications.*

(1) *Application denial.* If a development application requiring a public hearing is denied, no application proposing the substantially same development on all or part of the same land shall be submitted within one year after the date of denial unless the decision-making body waives this time limit in accordance with subsection (2) (Request to waive time limit) below.

(2) *Request to waive time limit.* The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the community development staff, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by two-thirds of its membership that the owner or agent has demonstrated that the new application proposed to be submitted is not substantially the same as the prior application.

(3) *Application withdrawal after required public notification.* If a development application requiring a public hearing is withdrawn after required public notification of the public hearing is provided, but before a decision on the application, no application proposing the substantially same development on all or part of the same land shall be submitted within six months after the date of withdrawal.

(Ord. No. O-2014-12, 6-2-14; Ord. No. O-2016-44, 9-26-16)

Sec. 83-123. Specific review procedures.

(a) *Overview.*

(1) *General.* This section sets forth supplemental procedures, standards, and related information for each of the specific review procedures for development applications reviewed under this chapter. They apply in addition to, or instead of, the standard procedures set forth in section 83-122, Standard procedures.

(2) *Structure of procedures.* For each type of development application reviewed under this chapter, the following sections state the purpose of the section and/or type of permit or development approval, and whether each of the steps in the standard procedure set forth in section 83-122, Standard procedures, is applicable, optional, or not applicable. The following sections also include, for each step, any variations of, or additions to, the standard procedures. This is followed by the review standards for the application, and provisions addressing expiration and amendment.

(b) *Text amendment.*

(1) *Purpose.* The purpose of this section is to provide a uniform means for amending the text of this chapter whenever the public necessity, convenience, general welfare, or good zoning practice requires doing so.

(2) *Text amendment procedure.*

a. Pre-application conference. Not applicable.

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Not applicable. Text amendments may be initiated by the board of supervisors or the planning commission.

d. Staff review and action. Applicable (see section 83-122(e)).

e. Public hearing scheduling and public notification. Applicable (see section 83-130).

f. Advisory body review and recommendation. Applicable.

1. In addition, and before the public hearing on the application, the planning commission may conduct a workshop on the application.

2. The Planning Commission, following a public hearing, shall make a recommendation on an application for a text amendment.

g. Decision-making body review and decision. Applicable. The board of supervisors, following a public hearing, shall decide an application for a text amendment.

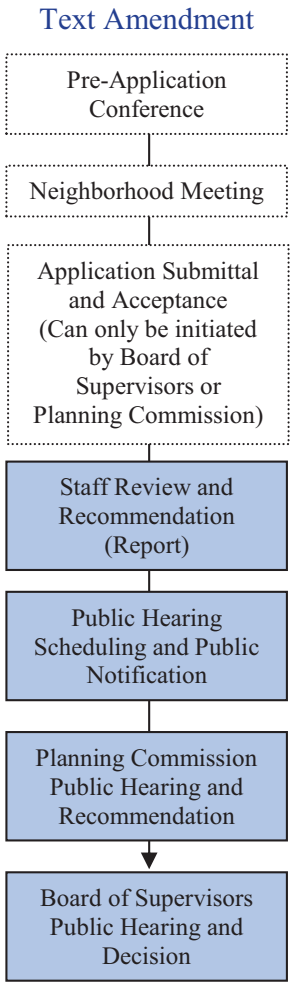


Fig. 83-123(b)

(c) *Zoning district map amendment (rezoning).*

(1) *Purpose.* The purpose of this section is to provide a uniform means for reviewing and deciding proposed amendments to the zoning district map (rezoning) whenever the public necessity, convenience, general welfare, or good zoning practice requires doing so.

(2) *Zoning district map amendment procedure.*

a. Pre-application conference. Applicable (see section 83-122(b)).

b. Neighborhood meeting. Applicable, if increases intensity of base zoning district (see section 83-122(c)).

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applicable (see section 83-122(e)). Zoning district map amendment (rezoning) applications may not be initiated by anyone other than the owner(s) of the subject land or their authorized representatives the board of supervisors or the planning commission.

e. public hearing scheduling and public notification. Applicable.

f. Advisory body review and recommendation. Applicable. The planning commission, following a public hearing, shall make a recommendation on the application.

g. Decision-making body review and decision. Applicable. The board of supervisors, following a public hearing, shall decide an application for a zoning district map amendment.

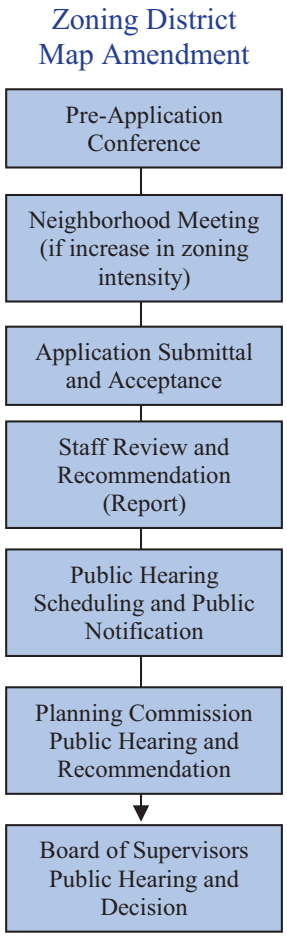


Fig. 83-123(c)

(d) *Conditional zoning.*

(1) *Intent.* It is the policy of the county, in accordance with the provisions of this chapter, to provide for the orderly development of land for all purposes, through zoning and other land development regulations. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate and more flexible and adaptable zoning methods are needed to permit differing land uses, and at the same time to recognize the effects of change. It is the purpose of this section to provide a zoning method, in accordance with the provisions Code of Virginia §§ 15.2-2296 through 15.2-2303, to address situations found in such zoning districts through the use of conditional zoning, whereby a zoning reclassification may be allowed, subject to certain conditions proffered by the owner or the owner's agent with the owner's written consent for the protection of the community, that are not generally applicable to land similarly zoned. The provisions of this article shall not be used for the purpose of discrimination in housing.

(2) *Conditions as part of a rezoning or amendment to the zoning map.*

a. The owner, or owner's agent with power of attorney, in accordance with Code of Virginia § 15.2-2303, may voluntarily proffer, in writing, reasonable conditions to be placed on the approval of the rezoning prior to a public hearing of the board of supervisors. Signed proffers shall be submitted on the approved county form to the planning director not less than 15 business days prior to the public hearing of the application before the planning commission in order that the proposed proffers might be properly considered as part of the application. The planning commission may accept from the applicant, additional proffers, or modifications or amendments to previously submitted proffers at the planning commission public hearing. All such proffers shall be signed and submitted in final form to the planning director not less than ten business days prior to the public hearing before the board of supervisors. By a majority vote, the board may waive this policy to accept proffers made during the ten business days prior to the public hearing.

b. Any landowner applying for rezoning may voluntarily proffer to restrict the use of his land, in addition to the regulations provided for the zoning district or zone by this chapter, as a part of the rezoning or amendment to the zoning map. Any proposed amended proffers shall be in writing and shall be signed by the owner of record, or an agent with power of attorney, of all the property subject to zoning amendment, in a form approved by the county attorney, prior to the acceptance of the amended proffers by the board.

c. The board of supervisors may rezone the property on the condition that the landowner and his heirs and assigns abide by such conditions. Such conditions shall have the same force and effect as the regulations provided for the zoning district by this chapter.

(3) *Enforcement.* The zoning administrator shall be vested with all authority on behalf of the county to administer and enforce conditions attached to a rezoning or amendment to the zoning map. (Pursuant to Code of Virginia § 15.2-2299 as amended, Article II: Administration and Article X: Enforcement of this chapter.

(4) *Records.* The zoning map shall show by an asterisk (*) the existence of conditions attached to a zoning map. The zoning administrator shall keep in his office and make available to the public a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in the particular zoning district.

(5) *Petition for review of decision.* Any zoning applicant who is aggrieved by the decision of the zoning administrator pursuant to Code of Virginia § 15.2-2301, may petition the governing body for the review of the decision of the zoning administrator.

(6) *Amendments and variations of conditions.* There shall be no amendment or variation of conditions created pursuant to the provisions of this section until, after a duly advertised public hearing by the governing body.

(7) *Permitted uses.* Permitted uses shall be limited to those uses specifically approved by the governing body upon granting of conditional zoning.

(8) *Minimum area.* Minimum area shall be as set forth in this chapter or as specified by the terms of conditional zoning whichever is most strict.

(9) *Side and rear yards.* Side and rear yard requirements shall be governed by this chapter or through conditions of the rezoning, whichever is more restrictive.

(10) *Lot coverage.* The minimum lot coverage shall be as prescribed by this chapter unless superseded by conditions placed upon the rezoning.

(11) *Building height.* Building heights shall conform to those set forth in this chapter unless superseded by conditions placed upon rezoning.

(12) *Building and construction setback.* The minimum setback shall be as specified by the appropriate zoning classification in this chapter unless otherwise specified as a condition of rezoning

(13) *Screening and landscaping.* Screening and landscaping shall be set forth as conditions of the proposed rezoning.

(14) *Utilities.* All utilities shall conform to section 6.8 of the Powhatan County Subdivision Ordinance.

(15) *Signs.* All signs shall be approved as to size and type as a condition of rezoning under this section.

(16) *Parking.* Plans for parking shall be presented at the public hearing and the location, number and type of parking spaces shall be set as a condition of the rezoning.

(17) *Traffic impact analysis.* A traffic impact analysis, if required by Article 10 of the subdivision ordinance, shall be provided with all rezoning applications. The applicant shall be responsible for providing actual traffic counts for public roads included in the traffic impact analysis if actual traffic counts conducted by the Virginia Department of Transportation (VDOT) are more than 12 months old. Traffic counts shall be performed in accordance with VDOT regulations.

(18) *Survey plat requirement.* A survey plat which accurately reflects the current property boundaries, drawn to scale and depicting any existing structures, shall be submitted with all rezoning applications. A compiled plat shall not be considered a survey plat for the purposes of this subsection.

(e) *Planned development.*

(1) *Purpose.* A planned development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher quality development than could be achieved through base zoning district regulations. The purpose of this section is to provide a uniform means for amending the zoning district map to establish any of the three planned development (PD) zoning districts

allowed by this chapter: the VR-PD village residential planned development; the VC-PD village center planned development; and the CC-PD commerce center planned development.

(2) *Scope.* A planned development is established by a conditional zoning amendment to the zoning district map to rezone land to a planned development zoning district classification that is defined by a master plan and a terms and conditions document, and proffers.

(3) *Planned development procedure.*

a. Pre-application conference. Applicable (see section 83-122(b)).

b. Neighborhood meeting. Applicable (see section 83-122(c)).

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

1. Planned development applications may not be initiated by anyone other than the owner(s) of the land subject to the application, or their authorized representative(s).

2. The application shall include a master plan proffered by the applicant that depicts the general configuration and relationship of the principal elements of the proposed development, including land uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing.

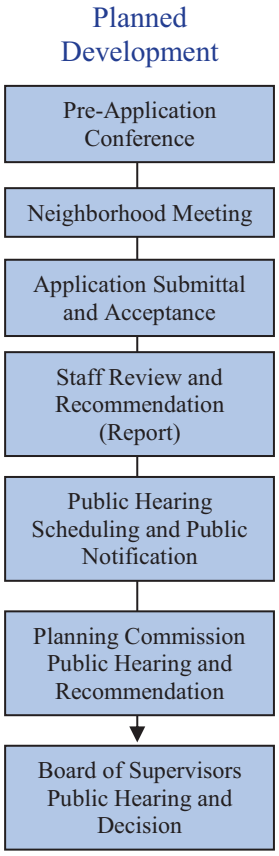


Fig. 83-123(e)

3. The application shall include a survey plat that accurately reflects the current property boundaries, drawn to scale and depicting any existing structures.

4. The application shall also include a terms and conditions document proffered by the applicant that specifies terms and conditions defining development parameters, providing for environmental mitigation, and outlining how public facilities will be provided to serve the planned development.

5. To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.

d. Staff review and action. Applicable (see section 83-122(e)).

e. Public hearing scheduling and public notification. Applicable (see section 83-130).

f. Advisory body review and recommendation. Applicable.

1. The planning commission may suggest revisions to the master plan, terms, and conditions proffered by the applicant. The commission may include in its recommendations additional or amended proffers from the applicant made prior to or at the planning commission public hearing on the application, provided such additional or amended proffers are signed and submitted in final form to the director not less than 15 business days before the hearing (unless waived by a majority vote of the commission).

2. The planning commission, following a public hearing, shall make a recommendation on the application.

g. Decision-making body review and decision. Applicable.

1. The board of supervisors may suggest revisions to the conditions proffered by the applicant. The board may include in its decision additional or amended proffers from the applicant made prior to or at the board of supervisors public hearing on the application, provided such additional or amended proffers are signed and submitted in final form to the director not less than ten business days before the hearing (unless waived by a majority vote of the board of supervisors). After the public hearing is opened, the only proffer amendments that may be accepted are ones that do not materially affect the overall proposal.

2. The board of supervisors, following a public hearing, shall make a decision on the application.

(4) *Designation on the zoning district map.* Designation of a PD zoning district on the zoning district map shall note the ordinance number approving the PD zoning classification.

(5) *Effect of approval.* Lands rezoned to a PD district shall be subject to the approved PD master plan and the approved PD terms and conditions. The master plan and terms and conditions are binding on the land as an amendment to the zoning district map. The applicant may apply for and obtain subsequent permits and development approvals necessary to implement the PD master plan in accordance with the appropriate procedures and standards set forth in this chapter. Any permits or development approvals shall comply with the PD master plan and the PD terms and conditions.

(6) *Expiration.* Unless otherwise stated in the terms and conditions of approval, if no application for approval of a preliminary plat or site plan for any part of the approved PD master plan is submitted within four years after approval of the planned development, the director shall advise the board of supervisors and the board may initiate a zoning district map amendment application to rezone the land back to its prior zoning district classification or any other base zoning district classification determined to be appropriate, unless the landowner/developer, within 60 days after

receiving notice of the expiration of the four-year time period, submits an application requesting re-approval of the PD zoning district classification, master plan, and terms and conditions. Such time period shall not be extended with transfer of ownership.

(7) *Minor deviation.*

a. General. Subsequent plans and permits for development within an approved planned development may include minor deviations from the PD master plan or PD terms and conditions, provided the director determines that such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the PD zoning district classification process or any other change that has no material effect on the character of the approved planned development or any of its approved terms or conditions. The following shall constitute minor deviations and may be approved by the director:

1. Driveway locations;
2. Structure floor plan revisions;
3. Minor shifts in building size or location that do not result in any substantive change or impacts to the site elements; and
4. Facility design modifications for amenities and the like.

b. Material changes are amendments. Changes that materially affect the basic concept of the PD master plan or basic parameters set by the PD terms and conditions are not considered minor deviations, and shall only be changed as amendments to the PD master plan or PD terms and conditions.

(8) *Amendments.*

a. General. If an applicant determines it is necessary to alter the concept or intent of the PD master plan or the PD terms and conditions, the PD master plan or PD terms and conditions shall be amended, extended, or modified only in accordance with the procedures and standards for its original approval (see section 83-123(e)(3)).

b. Amendments defined. The following items are considered an alteration of the concept or intent of the PD master plan or PD terms and conditions and are treated as an amendment:

1. Changes in use designations;
2. Density/intensity increases;
3. Decreases in open space;
4. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);
5. Change in the location of any public easement, at the request of the landowner/developer; or
6. Change in the proportion of housing types by more than 15 percent.

(f) *Conditional use permit.*

(1) *Purpose.* A use designated as a conditional use in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish a mechanism to review conditional uses to ensure they are appropriate for a particular zoning district.

(2) *Applicability.* Prior to development of a conditional use identified in articles III, IV, V, and VI, it shall receive approval of a conditional use permit in accordance with this section.

(3) *Conditional use permit procedure.*

a. Pre-application conference. Applicable (see section 83-122(b)).

b. Neighborhood meeting. Optional (see section 83-122(c)).

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applicable (see section 83-122(e)).

e. Public hearing scheduling and public notification. Applicable (see section 83-130).

f. Advisory body review and recommendation. Applicable.

1. The planning commission, following a public hearing, shall make a recommendation on the application.

2. The planning commission's recommendation may include proposed conditions of approval.

g. Decision-making body review and decision. Applicable.

1. The board of supervisors, following a public hearing, shall decide an application in accordance with section 83-123(f)(4), Conditional use permit review standards.

2. The board of supervisors may attach conditions of approval and performance bond(s), as appropriate.

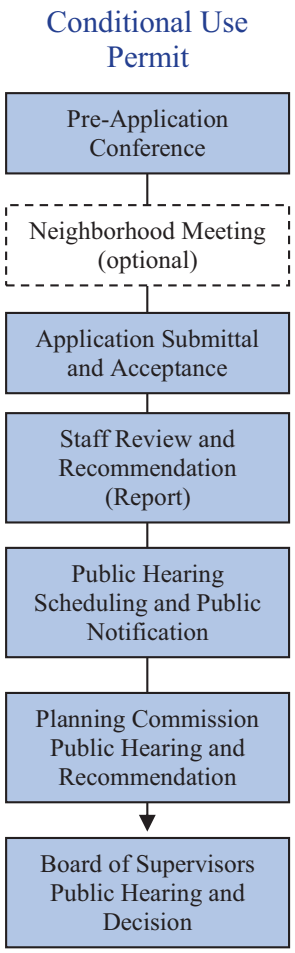


Fig. 83-123(f)

(4) *Conditional use permit review standards.* A conditional use permit shall be approved if the applicant demonstrates the proposed conditional use:

a. Is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans;

b. Complies with all applicable zoning district-specific standards in articles III through VI;

c. Complies with all applicable use-specific standards Article VII: Use Standards;

d. Complies with all applicable development and design standards in Article VIII: Development Standards;

e. Complies with all relevant subdivision and infrastructure standards in chapter 68: Subdivisions of the Powhatan County Code;

f. Is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed;

g. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;

h. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;

i. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

j. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;

k. Complies with all other relevant county, state and federal laws and standards; and

l. Is required by the public necessity, convenience, general welfare, or good zoning practice.

(5) *Expiration.* A conditional use permit shall expire in accordance with any expiration date or provisions in a condition of its approval. A conditional use permit shall automatically expire if a building permit, site plan, or other county approval, whichever occurs first, for the development granted by the conditional use permit, is not obtained within two years after the date of approval of the conditional use permit, or if no subsequent county approval is required, the development is not completed and operational within two years.

(g) *Site plan.*

(1) *Purpose.* Site plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all

applicable standards in this chapter and all other applicable county regulations. The purpose of this section is to establish the procedure and standards for review of site plans.

(2) *Applicability.* All development in the county, unless exempted in accordance with subsection (3) (Exemptions) below, shall receive site plan approval in accordance with the procedures and standards of this section prior to issuance of a zoning compliance permit.

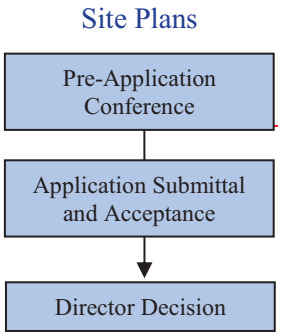
(3) *Exemptions.* The following development shall be exempt from the requirements of this section (but not from other applicable provisions of this chapter):

a. Agricultural development and activities, except agricultural/animal confinement (A-C) development and activities;

b. Single-family detached development;

c. A change in use when the new use will generate less than 50 cumulative external trip ends per day; and

d. The expansion of an existing conforming development by less than 20 percent or 3,000 square feet of floor area over a three year period, whichever is less, when the expansion will generate less than 30 additional external trip ends per day.



83-123(g)(4)d.

(4) *Site plan approval procedure.*

a. Pre-application conference. Applicable (see section 83-122(b)).

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applications for development shall be subject to a decision by the director in accordance with section 83-122(e)(4).

e. Public hearing scheduling and public notification. Not applicable.

f. Advisory body review and recommendation. Not applicable.

(5) *Time limit for action on site plan application.* The director, as appropriate, shall decide the application within 60 days after the date the application is accepted as complete in accordance with section 83-122(d)(6), Determination of application completeness. This time period may be extended if a portion of the application is required to be reviewed and approved by a state department or agency, in accordance with Code of Virginia § 15.2-2259.A.

(6) *Site plan review standards.* An application for Site Plan approval shall be approved upon a finding the applicant has demonstrated the proposed development:

a. Complies with the applicable district, use-specific, development, design, and subdivision design standards of this chapter;

b. Complies with all other applicable standards of this chapter and other applicable County regulations; and

c. Complies with all standards, conditions, and proffers of any prior applicable permits or development approvals.

(7) *Appeal.* A decision by the director on an application for site plan approval may be appealed to the Circuit Court of Powhatan County in accordance with Code of Virginia § 15.2-2259.

(8) *Effect.* Approval of a site plan authorizes the submittal of a development application for a zoning compliance permit, a building permit, a land disturbance permit, and any other development application that may be required before construction or other development authorized by this chapter.

(9) *Expiration.* Unless otherwise specified in the site plan approval, an application for a building permit shall be applied for and obtained for at least one building in the site plan within five years of the date of the approval of the site plan; otherwise, the site plan shall become null and void, and automatically expire. When a building permit is approved, the site plan approval shall run concurrent with the validity of the building permit. Permitted timeframes do not change with successive owners.

(10) *Subsequent submittal and reconsideration of denied site plan applications.* If a site plan application is denied, the applicant may revise the application to correct the specific deficiencies identified as reasons for its previous denial. If the revised application is submitted within six months after its previous denial, the director or planning commission shall consider the previously identified deficiencies and any deficiencies that have arisen as a result of the revisions, and decide the revised application within 45 days after the date the revised application is submitted.

(11) *Amendment.* Applicable.

(h) *Certificate of approval.*

(1) *Purpose.* The purpose of this section is to establish a mechanism to review development as defined by section 83-123(h)(2)a. proposed within a Historic Overlay District to ensure architectural compatibility with the historic properties within the district.

(2) *Applicability.*

a. General. Except as provided in subsection b. below, no building or structure, including signs, within any Historic Overlay District shall be erected, reconstructed, altered, restored, razed, demolished, moved, or relocated except in accordance with a certificate of approval approved in accordance with this section.

b. Exemptions.

1. *Minor works and actions.* Minor works or actions determined by the administrator as not having a permanent effect on the historic or architectural character of the site or the Historic Overlay District shall be exempt from the requirement for a certificate of approval. Minor works and actions shall include, but are not limited to, the following activities. The planning commission may adopt guidelines to assist the administrator in determining whether these or other activities qualify as minor works or actions exempt from the requirement for a certificate of approval.

i. Appurtenances such as gutters, storm doors, storm windows, portable air conditioners installed in windows, or similar devises that would not significantly affect the appearance of the structure;

ii. Antennas, skylights, or solar collectors located so as not to be visible from a public street right-of-way;

iii. Landscaping involving minor grading, walkways, retaining walls no more than 30 inches high, temporary fencing, small fountains, ponds, and similar minor landscaping features that would not substantially affect the character of the property or district;

iv. Alterations or repainting of the interiors of buildings; and

v. Additions to or subtractions from existing buildings that would involve less than 120 square feet in floor area, would not be visible from a public street right-of-way, and would not significantly change the architectural character of the property.

2. *Emergency repairs.* Where a building or structure within a Historic Overlay District is damaged due to a fire, flood, or other natural disaster or similar event beyond the control of the property owner, emergency repairs to the building or structure may be made without a certificate of approval—provided an application for any normally required certificate of approval is submitted within 30 days after the event creating the need for the emergency repairs.

(3) *Certificate of approval procedure.*

a. Pre-application conference. Applicable (see section 83-122(b)).

b. Neighborhood meeting. Optional (see section 83-122(c)).

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applicable (see section 83-122(e)).

e. Public hearing scheduling and public notification. Not applicable.

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Applicable. The planning commission shall decide an application in accordance with section 83-123(h)(4), Certification of approval review standards.

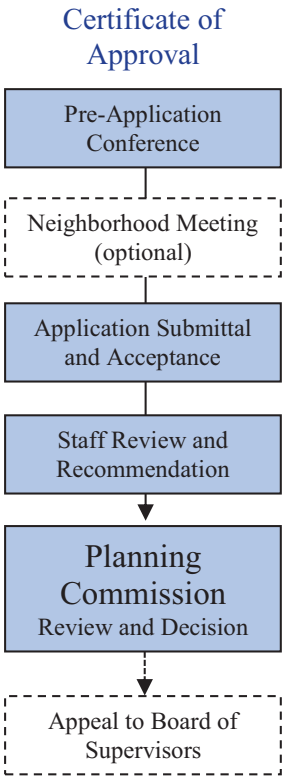


Fig. 83-123(h)

(4) *Certificate of approval review standards.* A certificate of approval shall be approved only if the applicant demonstrates the proposed development is architecturally compatible with the character of the historic landmarks, buildings, or structures within the Historic Overlay District. In reviewing and deciding an application for a certificate of approval, the planning commission may not consider the interior arrangement of buildings or structures, or features not visible from a public street right-of-way—but shall consider the following factors:

a. General.

1. The Secretary of the Interior's Standards for the Treatment of Historic Properties;

2. Any design guidelines adopted by the planning commission for the particular Historic Overlay District that are incorporated into this chapter by reference;

3. The architectural or historical significance of the building or structure;

4. The scale, massing, style, arrangement, shape, texture, material, color, and fenestration of the building or structure and its components, and their compatibility with existing buildings or structures that contribute to the character of the Historic Overlay District; and

5. The extent to which denial of a certificate of approval would deprive the property owner a reasonable use of the property.

b. Razing or demolition. In reviewing and deciding an application for a certificate of approval for the razing or demolition of a building or structure, the planning commission shall consider the following factors in addition to those in subsection a. above:

1. The importance of the building or structure to the ambience and character of the Historic Overlay District;
2. The difficulty or the impossibility of reproducing such a building or structure because of its design, texture, material, detail, or unique location;
3. Whether the building or structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region; and
4. Whether the owner of the property has made, without success, a bona fide offer to sell the building or structure, and associated land, at a price reasonably related to its market value, to a person or other entity willing to preserve and restore the building or structure for the time period set forth in Code of Virginia § 15.2-2306 for such sale offers.

c. Move or relocation. In reviewing and deciding an application for a certificate of approval for the moving or relocation of a building or structure, the planning commission shall consider the following factors in addition to those in subsection a. above:

1. The historic character and aesthetic interest the building or structure contributes to its present setting;
2. Whether the building or structure can be moved without significant damage to its physical integrity; and
3. Whether the proposed relocation area is compatible with the historical and architectural character of the building or structure.

(5) *Appeal.* A decision by the planning commission on an application for a certificate of approval may be appealed to the board of supervisors, provided such appeal is filed with the director within 30 days after the date of the decision by the planning commission.

(6) *Expiration.* A certificate of approval shall expire in accordance with any expiration date or provisions in a condition of its approval. A certificate of approval shall automatically expire if a building permit, site plan, or other county approval, whichever occurs first, for the development granted by the certificate of approval, is not obtained within two years after the date of approval of the certificate of approval, or if no subsequent county approval is required, the development is not completed and operational within two years.

(7) *Amendment.* Applicable.

(i) *Temporary business permit.*

(1) *Purpose.* The purpose of this subsection is to establish a uniform mechanism for reviewing temporary businesses to ensure they comply with the standards in Article VII, Division 3: Standards for Temporary Uses and Structures.

(2) *Applicability.* The provisions of this section shall apply to all proposed temporary use and structures identified in each zoning district as requiring a temporary business use permit.

(3) *Temporary business permit procedure.*

a. Pre-application conference. Applicable (see section 83-122(b)).

b. Neighborhood meeting. Optional (see section 83-122(c)).

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applicable (see section 83-122(e)). The administrator shall decide applications for temporary business permit in accordance with section 83-122(e)(4), Applications subject to decision by director or administrator, and section 83-123(i)(4), Temporary business permit review standards.

e. Public hearing scheduling and public notification. Not applicable.

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Not applicable.

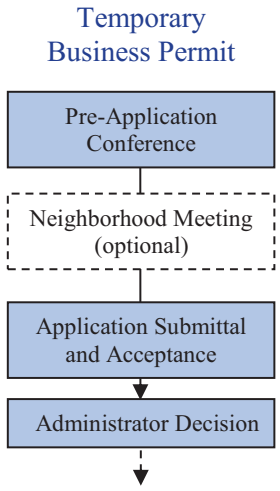


Fig. 83-123(i)

(4) *Temporary business permit review standards.* A temporary business permit shall be approved on a finding the applicant demonstrates the proposed temporary business complies with the relevant standards in Article VII, Division 3: Standards for Temporary Uses and Structures.

(5) *Expiration.* Approval of a temporary business permit shall be effective beginning on the date of approval and shall remain effective for the period indicated in the permit, unless an extension of time period is authorized in accordance with Article VII, Division 3: Standards for Temporary Uses and Structures.

(6) *Amendment.* Applicable.

(j) *Sign permit.*

(1) *Purpose.* The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of section 83-488, Signage, under Article VIII: Development Standards.

(2) *Applicability.* All signs, except those not requiring a permit, shall obtain a sign permit in accordance with the procedures and standards of this section before being erected, replaced, relocated, or altered.

(3) *Sign permit procedure.*

a. Pre-application conference. Optional (see section 83-122(b)).

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applicable (see section 83-122(e)). The administrator shall decide applications for a sign permit in accordance with section 83-122(e)(4), Applications subject to decision by director or administrator, and section 83-123(j)(4), sign permit review standards.

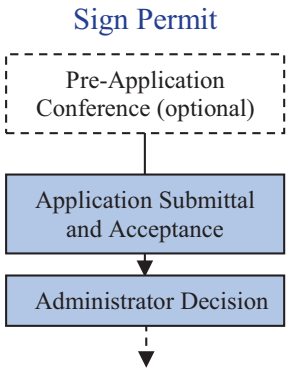


Fig. 83-123(j)

e. Public hearing scheduling and public notification. Not applicable.

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Not applicable.

(4) *Sign permit review standards.* A sign permit shall be approved only upon a finding the application complies with the standards in section 83-488, Signage, under Article VIII: Development Standards, all relevant standards of this chapter, and any other applicable county requirements.

(5) *Amendment.* Applicable.

(k) *Floodplain permit.*

(1) *Purpose.* The purpose of a floodplain permit is to ensure development complies with the standards in the Floodplain Overlay District.

(2) *Applicability.* All development in the Floodplain Overlay District shall receive approval of a floodplain permit prior to issuance of a building permit.

(3) *Floodplain permit procedure.*

a. Pre-application conference. Optional (see section 83-122(b)).

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applicable (see section 83-122(e)). The administrator shall decide an application in accordance with section 83-122(e)(4), Applications subject to decision by director or administrator, and section 83-123(k)(4), Floodplain permit review standards.

e. Public hearing scheduling and public notification. Not applicable.

f. Advisory body review and recommendation. Not applicable.

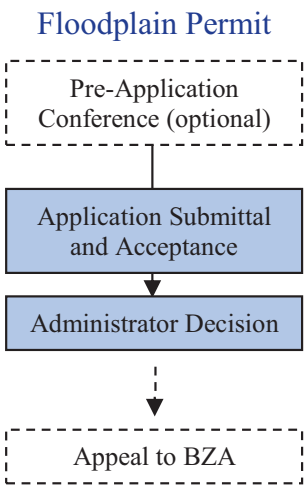


Fig. 83-123(k)

g. Decision-making body review and decision. Not applicable.

(4) *Floodplain permit review standards.* A floodplain permit shall be approved upon a finding the applicant demonstrates the proposed development complies with all applicable standards in the Floodplain Overlay District.

(5) *Appeal.* A decision by the administrator on a floodplain permit may be appealed to the BZA (see section 83-123(r), Appeal (floodplain)).

(6) *Expiration.* Approval of a floodplain permit shall automatically expire if the development activity it authorizes is not commenced within one year after the date of approval.

(7) *Amendment.* Applicable.

(l) *Zoning compliance permit.*

(1) *Purpose.* The purpose of a zoning compliance permit is to ensure development complies with the requirements of this chapter before it is issued a building permit.

(2) *Applicability.* A zoning compliance permit is required before issuance of a building permit.

(3) *Zoning compliance permit procedure.*

a. Pre-application conference. Optional (see section 83-122(b)).

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applicable (see section 83-122(e)). The Administrator shall decide an application in accordance with section 83-122(e)(4), Applications subject to decision by director or administrator, and section 83-123(l)(4), Zoning compliance permit review standards.

e. Public hearing scheduling and public notification. Not applicable.

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Not applicable.

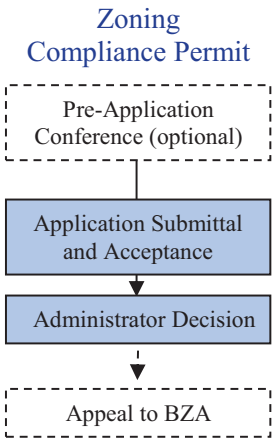


Fig. 83-123(l)

(4) *Zoning compliance permit review standards.* A zoning compliance permit shall be approved upon a finding the applicant demonstrates the proposed development complies with all applicable standards in this chapter and all applicable conditions of permits or development approvals under this chapter.

(5) *Expiration.* Approval of a zoning compliance permit shall automatically expire if the building permit for which it is approved expires.

(6) *Appeal.* A decision by the administrator on a zoning compliance permit may be appealed to the BZA (see section 83-123(q), Appeal (zoning)).

(7) *Amendment.* Applicable.

(m) *Variance permit (zoning).*

(1) *Purpose.* The purpose of a variance is to allow, in accordance with Code of Virginia § 15.2-2309, certain deviations from the dimensional or other numerical standards of this chapter (such as size of area of a parcel of land; the size, area, bulk, or location of a building; building height; yard depth; lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of this chapter or an amendment thereto, or exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or the condition, situation, or development of property immediately adjacent thereto), the strict application of the standards of this chapter would effectively prohibit or unreasonably restrict the utilization of the

property, or the granting of the variance would alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant.

(2) *Applicability.* A variance permit procedure may be used to seek hardship relief from the dimensional or other numerical standards in this chapter. No variance permit (zoning) may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district. In addition, no variance permit (zoning) may be sought that would permit a use not allowed in a zoning district, or that would have the effect of allowing a prohibited use.

(3) *Variance permit (zoning) procedure.*

a. Pre-application conference. Optional (see section 83-122(b)).

b. Neighborhood meeting. Optional (see section 83-122(c)).

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applicable (see section 83-122(e)).

e. Public hearing scheduling and public notification. Applicable.

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Applicable. The BZA, following a public hearing, shall make a decision on the application for a variance permit in accordance with section 83-123(m)(4), Variance permit (zoning) review standards. The concurring vote of a majority of a quorum of the BZA shall be necessary to approve a variance permit.

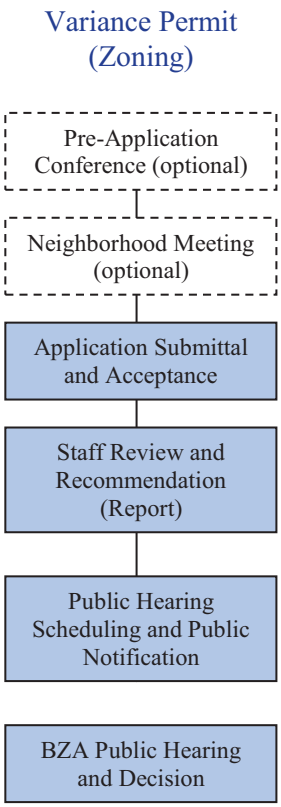


Fig. 83-123(m)

(4) *Variance permit (zoning) review standards.*

a. General. A variance permit (zoning) shall be approved on a finding the applicant demonstrates all of the following standards are met:

1. The property for which the variance is requested was acquired in good faith;

2. Strict application of this chapter would produce undue hardship relating to the property—i.e., would effectively prohibit or unreasonably restrict the utilization of the property by reason of:
    i. The exceptional narrowness, shallowness, size, or shape of the property at the time of the effective date of this chapter or an amendment thereto;
    ii. Exceptional topographic conditions or other extraordinary situation or condition of the property; or
    iii. The condition, situation, or development of other property immediately adjacent to the property.
3. The situation or condition producing the hardship is not self-created;
4. The hardship is not shared generally by other properties in the same zoning district and the same vicinity;
5. The authorization of the variance permit (zoning) alleviates this clearly demonstrated hardship (as distinguished from a special privilege or convenience sought by the applicant);
6. The authorization of the variance permit (zoning) is in harmony with the intended spirit and purpose of the ordinance;
7. The authorization of the variance permit (zoning) will not be of substantial detriment to adjacent properties;
8. The character of the zoning district in which the land is located will not be changed by the granting of the variance permit (zoning);
9. The condition or situation of the land is not of so general or recurring in nature as to make reasonably practicable the formulation of a regulation or standard to address the condition or situation; and
10. The variance permit (zoning) authorized by the BZA is the least possible deviation from the standards necessary to afford relief.

b. Prohibitions.
1. No provision of this chapter shall be construed as granting the BZA the power to rezone property.
2. No variance permit (zoning) shall be granted to allow a use or development condition not permitted by right or proffer.
3. No variance permit (zoning) shall be granted to any standard or requirement in any other part of the Code of the County of Powhatan, Virginia.
4. No variance permit (zoning) shall be granted that allows a principal or accessory building to exceed any applicable maximum size standards set out in articles III through VI, or Article VII: Use Standards.

(5) *Conditions of approval.*

a. General. In authorizing a variance, the BZA may impose such conditions regarding the location, character, and other features of the proposed structure or use granted the variance as it may deem necessary in the public interest to ensure compliance with the requirements of this section. Conditions, where imposed, shall be included as part of the approval.

b. Guarantee or bond. The BZA may require a guarantee or bond to insure compliance with the conditions imposed.

(6) *Appeal.* Any person jointly or severally aggrieved by any decision of the BZA, or any aggrieved taxpayer or any officer, department, board, or commission of the county, within 30 days of the date of the final decision of the BZA, may appeal the decision of the BZA to the Circuit Court of Powhatan County in accordance with the Code of Virginia.

(7) *Effect.* Approval of a variance permit (zoning) authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this chapter and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this chapter unless the relevant and applicable portions of this chapter or any other applicable laws are met.

(8) *Expiration.* Unless it expires, a variance permit (zoning), including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

(9) *Amendment.* Applicable.

(n) *Variance permit (floodplain).*

(1) *Purpose.* The purpose of a floodplain variance is to allow certain deviations from Floodplain Overlay District standards of this chapter when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control, a literal application of the standards of this chapter would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

(2) *Applicability.* A variance permit (floodplain) procedure may be used to seek hardship relief from the standards of the Floodplain Overlay District. No variance permit (floodplain) may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district.

(3) *Variance permit (floodplain) procedure.*

a. Pre-application conference. Optional (see section 83-122(b)).

b. Neighborhood meeting. Optional (see section 83-122(c)).

c. Application submittal and acceptance. Applicable (see section 83-122(d)).

d. Staff review and action. Applicable (see section 83-122(e)).

e. Public hearing scheduling and public notification. Applicable (see section 83-130).

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Applicable. The BZA, following a public hearing, shall make a decision on the application for a variance permit in accordance with section 83-123(n)(4), Variance permit (floodplain) review standards.

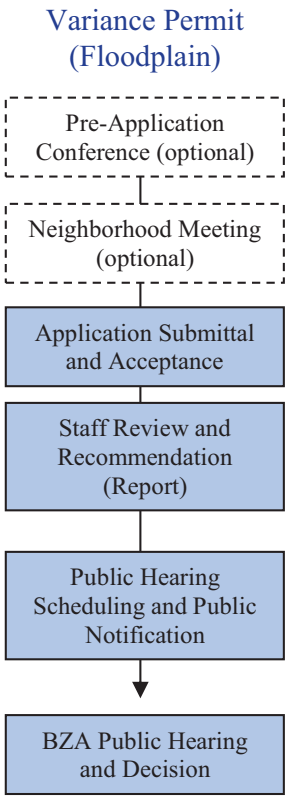


Fig. 83-123(n)

(4) *Variance permit (floodplain) review standards.*

a. Findings. A variance permit (floodplain) shall be approved upon a finding the applicant shows good and sufficient cause and demonstrates that all of the following standards are met:

1. Failure to grant the variance permit (floodplain) would result in exceptional—i.e., undue and unique—hardship to the applicant;
2. The variance permit (floodplain) is the minimum required to provide relief from the exceptional hardship;
3. Granting of the variance permit (floodplain) will not:
   i. Result in unacceptable or prohibited increases in flood heights;
   ii. Result in additional threats to public safety;
   iii. Result in extraordinary public expense;
   iv. Create nuisances;
   v. Cause fraud or victimization of the public; or
   vi. Conflict with any other part of this chapter or other county laws or ordinances;
4. If granted within any floodway district, the variance permit (floodplain) will not cause any increase in the 100-year flood elevation; and
5. If the variance permit (floodplain) is sought for the repair or rehabilitation of a designated historic structure, such repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance permit (floodplain) is the minimum necessary to preserve the historic character and design of the structure.

b. Additional factors to consider. In making its findings and decision on an application for a variance permit (floodplain), the BZA shall consider the following additional factors:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
12. The historic nature of a structure.
13. Such other factors which are relevant to the purposes of this chapter's floodplain regulations.

(5) *Conditions of approval.*

a. General. In authorizing a variance permit (floodplain), the BZA may impose such conditions regarding the location, character, and other features of the proposed structure granted the variance as it may deem necessary in the public interest to ensure compliance with the requirements of this section and to prevent or minimize adverse effects from the proposed variance. Conditions, where imposed, shall be included as part of the approval.

b. Guarantee or bond. The BZA may require a guarantee or bond to ensure compliance with the conditions imposed.

(6) *Applicant notification of risks.* Subsequent to approval of a variance permit (floodplain), the community development staff shall notify the applicant, in writing, of the

approval, and that issuance of a variance that allows development below the 100-year floodplain elevation (1) increases the risks to life and property and (2) will result in increases to premium rates for flood insurance.

(7) *Effect.* Approval of a variance permit (floodplain) authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this chapter and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this chapter unless the relevant and applicable portions of this chapter or any other applicable laws are met.

(8) *Expiration.* Unless it expires, a variance permit (floodplain), including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

(9) *Appeal.* A decision of the BZA on an application for a variance permit (floodplain) may be appealed to the Circuit Court for Powhatan County in accordance with the Code of Virginia.

(10) *Amendment.* Applicable.

(o) *Interpretation (zoning).*

(1) *Purpose.* The purpose of this section is to provide a uniform mechanism for rendering formal written interpretations of the text of this chapter (except for section 83-420, Floodplain overlay (FP) District) and the boundaries or classifications on the zoning district map.

(2) *Applicability.* The administrator is responsible for making interpretations of all provisions of this chapter, including, but not limited to:

a. Interpretations of the text;

b. Interpretations of the zoning district boundaries;

c. Interpretations of whether an unlisted use in a zoning district and in Article VII: Use Standards, is comparable to a listed use or not, and should be allowed in a zoning district or prohibited in that district; and

d. Interpretations of compliance with a condition of approval.

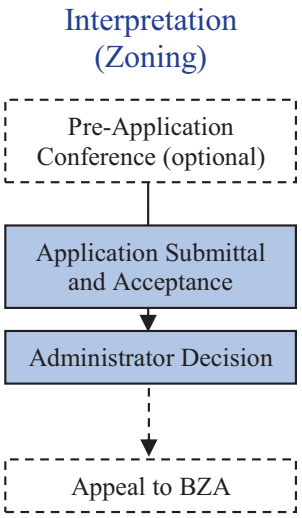


Fig. 83-123(o)

(3) *Interpretation (zoning) procedure.*

a. Pre-application conference. Optional (see section 83-122(b)).

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Applicable (see section 83-122(d)). An application for a formal written interpretation may be initiated by the board of supervisors, the planning commission, any resident or landowner in the county, or any person having a contractual interest in land in the county.

d. Staff review and action. Applicable (see section 83-122(e)). The administrator shall make interpretations in accordance with section 83-122(e)(4), Applications subject to decision by director or administrator, and section 83-123(o)(4), Interpretation (zoning) standards. Prior to rendering an interpretation the administrator shall consult with the director, the county attorney, and other affected county officials.

e. Public hearing scheduling and public notification. Not applicable.

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Not applicable.

(4) *Appeal.* The administrator's interpretation may be appealed to the BZA (see section 83-123(q), Appeal (zoning)).

(p) *Interpretation (floodplain).*

(1) *Purpose.* The purpose of this section is to provide a uniform mechanism for rendering formal written interpretations of the text of section 83-420, Floodplain Overlay (FP) District and the FP district and subdistrict boundaries or classifications on the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM).

(2) *Applicability.* The administrator is responsible for making interpretations of all provisions of section 83-420, Floodplain overlay (FP) District including, but not limited to:

a. Interpretations of the text; and

b. Interpretations of the FP district and subdistrict boundaries.

(3) *Interpretation (floodplain) procedure.*

a. Pre-application conference. Optional (see section 83-122(b)).

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Applicable (see section 83-122(d)). An application for a formal written interpretation may be initiated by the board of supervisors, the planning commission, the BZA, any resident or landowner in the county, or any person having a contractual interest in land in the county.

d. Staff review and action. Applicable (see section 83-122(e)). The administrator shall make interpretations in accordance with section 83-122(e)(4), Applications subject to decision by director or administrator, and section 83-123(p)(4), Interpretation (floodplain) standards. Prior to rendering an interpretation the administrator shall consult with the director, the county attorney, and other affected county officials.

e. Public hearing scheduling and public notification. Not applicable.

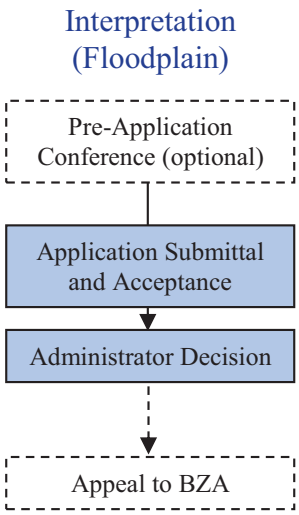


Fig. 83-123(p)

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Not applicable.

(4) *Appeal.* The administrator's interpretation may be appealed to the BZA (see section 83-123(r)).

(q) *Appeal (zoning).*

(1) *Purpose.* The purpose of this section is to establish a procedure and standards for any person aggrieved by any administrative decision in accordance with Code of Virginia § 15.2-2311 related to any part of this chapter—except a decision on a floodplain permit, or an interpretation under section 83-420, Floodplain Overlay (FP) District—to appeal the decision or interpretation to the BZA.

(2) *Applicability.* Any person aggrieved, or any officer, department, board, or commission of the county affected, by a 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 chapter—except a decision or interpretation on a floodplain permit, or an interpretation under section 83-420, Floodplain Overlay (FP) District—may appeal the order, requirement, decision, determination, or interpretation (hereinafter "decision") to the BZA in accordance with the procedures and standards of this section.

(3) *Initiation.* An appeal shall be initiated by filing a written notice of appeal with the administrator, within 30 days of the date of the decision being appealed.

(4) *Appeal procedure.*

a. Pre-application conference. Optional (see section 83-122(b)).

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Applicable (see section 83-122(d)). The written notice of appeal shall include a statement of the error or improper decision, the date of that decision, the grounds for the appeal, and all related support materials.

d. Staff review and action. Applicable (see section 83-122(e)). Upon accepting a notice of appeal application, the administrator shall transmit to the BZA the appeal and the record of material considered by the administrator in making the decision (including but not limited to, for example, provisions of this chapter, the application and support materials, staff report, the comprehensive plan and other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision).

e. Public hearing scheduling and public notification. Applicable (see section 83-130). Notice of the public hearing also shall be provided to the applicant for the decision being appealed, if different from the appellant. If the decision being appealed pertains to a particular property, notice also shall be provided to the owner of the property.

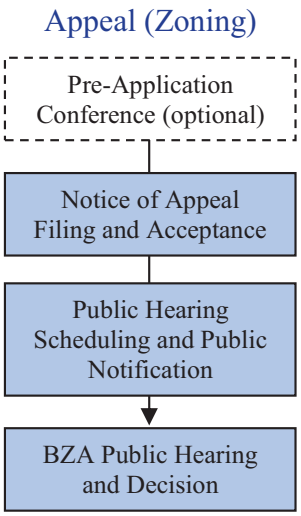


Fig. 83-123(q)

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Applicable. The public hearing shall be on the record of the appeal, with presentations limited to testimony and arguments on the record of the appeal as it relates to the grounds for appeal specified in the appeal application. Following the public hearing, the BZA shall make a decision on the appeal. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in section 83-123(q)(6), Appeal (zoning) review standards. The final decision of the BZA shall be one of the following:

1. Affirmation of the decision (in whole or in part);

2. Modification of the decision (in whole or in part); or

3. Reversal of the decision (in whole or in part).

The concurring vote of a majority of the membership of the BZA shall be necessary to reverse the decision being appealed.

(5) *Time limit for action on appeal (zoning).* The BZA shall decide an appeal within 90 days after the date the notice of appeal is filed in accordance with section 83-123(q)(3), Initiation.

(6) *Appeal (zoning) review standards.* A decision by the administrator or other administrative officer shall be presumed correct, and may not be reversed or modified unless there is evidence in the record that the decision is not correct, based on the relevant procedures and standards of this chapter. The BZA shall consider the purpose and intent of any applicable provisions of this chapter and other relevant ordinances, laws, and regulations in making its decision.

(7) *Appeal.* Any person jointly or severally aggrieved by any decision of the BZA, or any aggrieved taxpayer or any officer, department, board, or commission of the county, within 30 days of the date of the final decision of the BZA, may appeal the decision of the BZA to the Circuit Court of Powhatan County in accordance with the Code of Virginia.

(8) *Effect.* An appeal shall stay all administrative proceedings by the county in furtherance of the action appealed, unless the administrator certifies that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA or by the Circuit Court for Powhatan County, on application and on notice to the Administrator and for good cause shown.

(r) *Appeal (floodplain).*

(1) *Purpose.* The purpose of this section is to establish a procedure and standards for any person aggrieved by any administrative decision in accordance with Code of Virginia § 15.2-2311 related to a decision on a floodplain permit or an interpretation under section 83-420, Floodplain Overlay (FP) District, to appeal the decision or interpretation to the BZA.

(2) *Applicability.* Any person aggrieved, or any officer, department, board, or commission of the county affected, by a decision of the administrator on a floodplain permit or an interpretation under section 83-420, Floodplain Overlay (FP) District, may appeal the decision or interpretation (hereinafter "decision") to the BZA in accordance with the procedures and standards of this section.

(3) *Initiation.* An appeal shall be initiated by filing a written notice of appeal with the administrator, within 30 days of the date of the decision being appealed.

(4) *Appeal procedure.*

a. Pre-application conference. Optional (see section 83-122(b)).

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Applicable (see section 83-122(d)). The written notice of appeal shall include a statement of the error or improper decision, the date of that decision, the grounds for the appeal, and all related support materials.

d. Staff review and action. Applicable (see section 83-130). Upon accepting a notice of appeal application, the administrator shall transmit to the BZA the appeal and the record of material considered by the administrator in making the decision (including but not limited to, for example, provisions of this chapter, the application and support materials, staff report, the comprehensive plan and other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision).

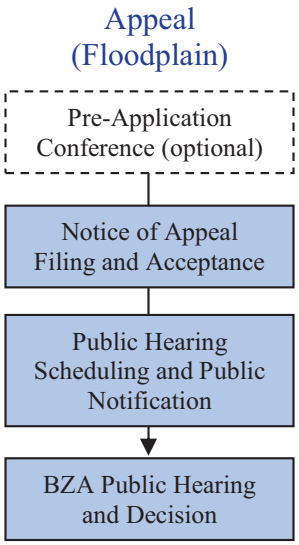


Fig. 83-123(r)

e. Public hearing scheduling and public notification. Applicable (see section 83-130). The administrator shall provide notice of the public hearing to the applicant for the decision being appealed, if different from the appellant. If the decision being appealed pertains to a particular property, notice also shall be provided to the owner of the property.

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Applicable. The public hearing shall be on the record of the appeal, with presentations limited to testimony and arguments on the record of the appeal as it relates to the grounds for appeal specified in the appeal application. Following the public hearing, the BZA shall make a decision on the appeal. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in section 83-123(r)(5), Appeal (floodplain) review standards. The final decision of the BZA shall be one of the following:

1. Affirmation of the decision (in whole or in part);
2. Modification of the decision (in whole or in part); or
3. Reversal of the decision (in whole or in part).

The concurring vote of a majority of the membership of the BZA shall be necessary to reverse the decision being appealed.

(5) *Appeal (floodplain) review standards.* A decision by the administrator or other administrative officer shall be presumed correct, and may not be reversed or modified unless there is evidence in the record that the decision is not correct, based on the

relevant procedures and standards of this chapter. The BZA shall consider the purpose and intent of any applicable provisions of this chapter and other relevant ordinances, laws, and regulations in making its decision.

(6) *Appeal.* Any person jointly or severally aggrieved by any decision of the BZA, or any aggrieved taxpayer or any officer, department, board, or commission of the county, within 30 days of the date of the final decision of the BZA, may appeal the decision of the BZA to the Circuit Court of Powhatan County in accordance with the Code of Virginia.

(7) *Effect.* An appeal shall stay all administrative proceedings by the county in furtherance of the action appealed, unless the administrator certifies that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA or by the Circuit Court for Powhatan County, on application and on notice to the administrator and for good cause shown.

(s) *Post-disaster temporary dwelling permit.*

(1) *Purpose.* The purpose of a post-disaster temporary dwelling permit is to allow the establishment of temporary living quarters on the site of a home made uninhabitable by a fire, hurricane, tornado, or other physical disaster while the damaged or destroyed home is being repaired or reconstructed.

(2) *Applicability.* A post-disaster temporary dwelling permit is required to authorize the establishment and use of a temporary dwelling pending the repair or reconstruction of a single-family detached dwelling on the same lot that has been damaged or destroyed by a fire, hurricane, tornado, or other physical disaster.

(3) *Post-disaster temporary dwelling permit procedure.*

a. Pre-application conference. Not applicable.

b. Neighborhood meeting. Not applicable.

c. Application submittal and acceptance. Applicable (see section 83-122(d)), except that the application may be submitted after establishment of the proposed temporary dwelling in an emergency situation, provided the application is submitted as soon as is reasonably practicable.

d. Staff review and action. Applicable (see section 83-122(e)). The director shall decide an application in accordance with section 83-122(e)(4), Application subject to decision by director or administrator.

e. Public hearing scheduling and public notification. Not applicable.

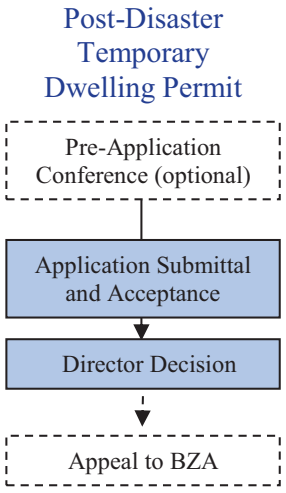


Fig. 83-123(s)

f. Advisory body review and recommendation. Not applicable.

g. Decision-making body review and decision. Not applicable.

(4) *Post-disaster temporary dwelling permit review standards.* A post-disaster temporary dwelling permit shall be approved upon a finding that the applicant demonstrates:

a. That a single-family detached dwelling on the same lot has been damaged or destroyed to an extent that it is not inhabitable; and

b. The temporary dwelling complies with all applicable standards in section 83-445(f), Post-disaster temporary dwelling.

(5) *Notice to adjoining property owners.* Within five days after approving a post-disaster temporary dwelling permit, the director shall provide written notice of the approval to the owners of all properties adjoining the property on which the temporary dwelling is approved.

(6) *Expiration.*

a. Approval of a post-disaster temporary dwelling permit shall expire 18 months after its issuance. In no case shall a temporary dwelling be used as the principal dwelling for more than three years unless authorized by a longer time period set forth in a declaration of emergency issued by authorized officials in response to the catastrophe.

b. The temporary dwelling shall be removed or converted to a use authorized on the lot within 60 days after issuance of the certificate of occupancy for the repaired or reconstructed single-family permanent principal dwelling or expiration of the approval of the temporary dwelling, whichever occurs earlier.

(7) *Appeal.* A decision by the director on a post-disaster temporary dwelling permit may be appealed to the BZA (see section 83-123(q), Appeal (zoning)).

(8) *Amendment.* Applicable.

(Ord. No. O-2014-12, 6-2-14)

Secs. 83-124—83-129. Reserved.

Sec. 83-130. Public hearing notice.

(a) *Timing of public hearing notification.* Public notification of a public hearing on a development application is provided in accordance with the timing shown in the table below for the type of application and the type of notice. In computing the time periods, the day the notice is published, mailed, or posted is not to be included, but the day of the hearing is included.

Table 83-130: Public Hearing Notification Timing Under the Code of Virginia

Application Type	*Types of Required Public Notice*	
	Published Notice	*Mailed Notice*
Text Amendment	Once a week for two successive weeks, with the second notice not less than 5 nor more than 21 days prior to the first public hearing, with not less than 6 days elapsing between the first and second publication	None, except when a proposed amendment affects more than 25 parcels of land, or the amendment decreases allowable dwelling unit density, then written notice is mailed at least 5 days before the hearing to owners, their agents, or the occupants of the land involved, unless it is part of a subdivision plat where the lots are less than 11,500 square feet in size.

Zoning District Map Amendments (Rezoning)		• When a proposed amendment involves 25 or fewer parcels of land, written notice is mailed at least 5 days before the hearing to the owners, their agents, or the occupants, of:
		  • Each parcel involved,
		  • All abutting land (including land immediately across the street or road from the property affected, including parcels which lie in other Virginia localities), and
		  • If any portion of an affected property is within a planned development, then to the property owners association if it has members who own property within 2,000 feet of a property subject to the amendment affected property.
		• When a proposed amendment involves more than 25 parcels of land, or the amendment decreases allowable dwelling unit density, then written notice is mailed at least 5 days before the hearing to owners, their agents, or the occupants of the land involved, unless it is part of a subdivision plat where the lots are less than 11,500 square feet in size.
		• When a proposed amendment involves land located within ½ mile of an adjoining locality of Virginia, written notice is mailed at least 10 days before the hearing to the chief administrative officer of the locality.

Conditional Zoning		
Planned Developments (Rezoning)		

Table 83-130: Public Hearing Notification Timing Under the Code of Virginia		
Application Type	*Types of Required Public Notice*	
	Published Notice	*Mailed Notice*
Conditional Use Permit		Written notice is mailed to owners, their agents, or the occupants of all land subject to the development application, and all abutting land (including land immediately across the street or road from the property affected, including parcels which lie in other Virginia localities) at least 5 days before the public hearing
Variance Permit (Zoning)		
Variance Permit (Floodplain)		
Variance Permit (Subdivision)		
Administrative Appeal		
Zoning		
Floodplain		
Subdivision		

(b) *Published notice procedures.*

(1) When notice of a public hearing is to be provided, the community development staff is responsible for preparing the content of the notice and ensure publication of the notice in a newspaper of general circulation in the county, in accordance with the requirements of the Code of Virginia.

(2) The community development staff responsible for preparing the notice will also prepare an affidavit affirming that notice meeting the content requirements of this subsection has been delivered to a newspaper of general circulation in the county. The affidavit is included in the support materials of the application, along with a copy of the published notice.

(3) A copy of the published notice is maintained in the community development department for public inspection during normal business hours.

(c) *Mailed notice requirements.*

(1) When mailed notice is provided, the community development staff is responsible for preparing the content of the written notice and mailing it, in accordance with the requirements of the Code of Virginia.

(2) Notice is mailed to:

a. Those landowners and persons identified in table 83-130: Public Hearing Notification Timing, for receipt of notice for the specific type of development application; and

b. In the case of a condominium or cooperative, written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively.

(3) Notice is deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid, to the last known address of such owner or occupant, as shown on the current real estate tax assessment books or the current real estate tax assessment record.

(4) The community development staff responsible for preparing the notice will also prepare an affidavit affirming that notice meeting applicable requirements was mailed. The affidavit is included in the support materials of the application.

(5) A copy of the mailed notice is maintained in the community development department for public inspection.

(Ord. No. O-2014-12, 6-2-14)

Secs. 83-131—83-139. Reserved.

ARTICLE III. RURAL DISTRICTS

Sec. 83-140. General purposes of rural area base districts.

The rural area base zoning districts established in this article are intended to maintain the rural character of those areas of the county located outside village growth areas designated in the comprehensive plan, particularly those areas designated natural conservation areas, rural preservation areas, rural residential areas, and crossroads. More specifically, the rural area base zoning districts are intended to:

(1) Encourage lands containing perennial stream corridors, floodplains, wetlands, and steep slopes to be left in a naturalized undisturbed state;

(2) Preserve and protect the continued viability of active agricultural, horticultural, agri-business, and silvicultural activities important to the county's economy and the character of the county's rural areas;

(3) Encourage agri-business and tourism uses such as equestrian centers and boarding facilities, boutique or unique agri-business, farmers' markets, retreat and training facilities, camps, heritage and rural tourism destinations, and bed and breakfast inns, and ensure they are compatible with the county's rural character;

(4) Promote the use of conservation subdivisions as the preferred means of accommodating historic patterns of rural, low-density, residential development while preserving open space that defines the county's rural areas;

(5) Ensure open spaces are designed to maximize preservation and protection of important natural, agricultural, and historic resources, to facilitate stormwater management and protect water quality, to maximize residents' exposure to open space, to maintain the visual character of scenic roads, and to promote rehabilitation of degraded habitats;

(6) Maintain, support, and preserve the crossroad communities that have developed in the county's rural areas;

(7) Preserve the unique character of historic resources;

(8) Provide for public services and facilities needed to serve rural area farmers and residents and accommodate public land uses that complement the rural area's open space, agricultural uses, and low density residential development while protecting them from incompatible nonresidential development; and

(9) Provide and maintain infrastructure at rural levels of service that are compatible with the character and needs of the county's rural area.

Nothing herein shall be deemed to allow dump heaps, as defined herein, therefore keeping or maintaining a dump heap shall be prohibited on property in all rural districts.

The rural area base districts established by this chapter are:

Rural Area Base Districts	
A-20	Agricultural-20
A-10	Agricultural-10
A-C	Agricultural/animal confinement
RR	Rural residential
RR-5	Rural residential-5
CR	Crossroads

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2019-15, 3-25-19)

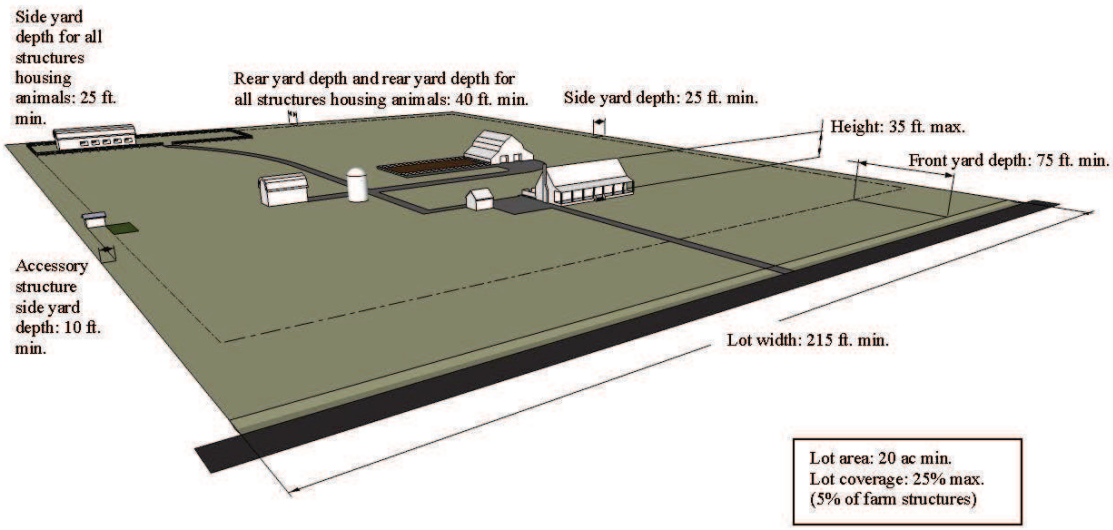
Secs. 83-141—83-149. Reserved.

Sec. 83-150. Agricultural-20 (A-20) District.

A. Purpose.		**Typical Development Form.**
The Agricultural-20 (A-20) District is a voluntary district whose purpose is to conserve and protect active farmlands and forestlands within areas designated as rural preservation areas in the comprehensive plan. No land in the county shall be classified A-20 unless the classification is requested by the landowner.		
B. Use Standards.		
See use specific standards in Article VII (Use Standards).		
C. Intensity and Dimensional Standards.[1, 2]		
Lot area, minimum	20 ac[3]	
Lot width, minimum	215 ft.	
Density, maximum	1 du/20 ac[4]	
Lot coverage, maximum (% of lot area)	25%[5]	

Structure height, maximum		35 ft.	**Typical Lot Layout**
Front yard depth, minimum	Along limited access and arterial roads	100 ft.[6]	
	Along collector and local roads	75 ft.[6]	
Side yard depth, minimum		25 ft.[7, 8]	
Rear yard depth, minimum		40 ft.[8, 9]	
Corner lot yard depth, minimum		40 ft.	
Notes: ac = acre(s) ft. = feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable lot area, lot width, lot coverage, and yard depth standards. 3. See Powhatan County Code chapter 68 (Subdivisions) for variations applicable to family divisions and large lot subdivisions. 4. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable density bonus for additional open space. 5. Five percent for all farm structures and accessory structures. 6. Thirty-five ft. for flag lots. 7. Twenty-five ft. for principal structures, accessory dwelling units, or accessory structures housing animals. 8. Ten ft. for accessory structures (other than those housing animals). 9. Forty ft. for principal structures, accessory dwelling units, or accessory structures housing animals.			
D. Development Standards.			
See Development Standards in Article VIII (Development Standards).			

Typical Development Configuration



(Ord. No. O-2013-06, 9-16-13; Ord. No. 2014-23, 9-15-14; Ord. No. 2019-19, 6-24-19)

Sec. 83-151. Permitted uses.

The following uses are allowable as principal uses by right in the A-20 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Animal production (other than an animal confinement facility);

(2) Crop production;

(3) Dairy (other than an animal confinement facility);

(4) Forestry and logging;

(5) Greenhouse, nursery, and floriculture production;

(6) Agricultural support (direct);

(7) Agricultural support (indirect);

(8) Farm winery;

(9) Horse boarding and equestrian training;

(10) Dwelling, manufactured home;

(11) Dwelling, single-family detached;

(12) Telecommunications facility, collocated;

(13) Community garden;

(14) Park or greenway;

(15) Utility use, minor;

(16) Marina, noncommercial;

(17) Farmers' market;

(18) Taxidermy shop.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-152. Conditional uses.

The following uses are allowable as principal uses in the A-20 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Farm winery, special impact;

(2) Horse racetrack or show grounds;

(3) Livestock market;

(4) Telecommunications tower;

(5) Cemetery;

(6) Airport;

(7) Airstrip;

(8) Helicopter landing facility;

(9) Reserved;

(10) Utility use, major;

(11) Animal shelter;

(12) Pound;

(13) Kennel, commercial;

(14) Veterinary clinic;

(15) Conference or training center;

(16) Country club;

(17) Fairground;

(18) Golf course;

(19) Marina, commercial;

(20) Recreation facility, nonprofit;

(21) Recreation facility, public;

(22) Shooting range, commercial;

(23) Rural event venue;

(24) Auction facility;

(25) Campground/recreational vehicle park;

(26) Place of worship;

(27) Minor meat processing.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2019-20, 4-24-19; Ord. No. O-2023-28, § 1, 12-18-23; Ord. No. O-2023-27, § 1, 7-22-24)

Sec. 83-153. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the A-20 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Accessory dwelling unit (detached);

(3) Amateur radio antenna;

(4) Bed and breakfast inn;

(5) Eating establishment (as accessory to an agricultural use);

(6) Electric vehicle (EV) level 1 or 2 charging station;

(7) Electric vehicle (EV) level 3 charging station;

(8) Family day care home;

(9) Fuel oil or bottled gas distribution or storage, limited;

(10) Home garden;

(11) Home occupation;

(12) Home-based landscaping business;

(13) Kennel, private;

(14) Office (as accessory to P multifamily dwelling or commercial use);

(15) Open space, park, playground, or recreational facility;

(16) Outdoor storage (as an accessory use);

(17) Parking or storage of major recreational equipment on residential lots;

(18) Parking or storage of large vehicles;

(19) Rainwater cistern;

(20) Residential care facility;

(21) Private recycling bins;

(22) Retail sales (as accessory to an agricultural use);

(23) Roadside stand;

(24) Satellite dish;

(25) Shipping containers as storage;

(26) Shooting range, non-commercial;

(27) Small wind energy system;

(28) Solar energy collection system;

(29) Swimming pool, spa, or hot tub;

(30) Television or radio antenna.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-154. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the A-20 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Manufactured home used pending construction of conventional dwelling as primary residence;

(3) Portable sawmill;

(4) Post-disaster temporary dwelling;

(5) Temporary construction-related structure or facility;

(6) Temporary family health care structure;

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the A-20 District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmer's market (as a temporary use);

(3) Outdoor seasonal sales;

(4) Temporary business (other than outdoor seasonal sales).

(Ord. No. O-2013-06, 9-16-13)

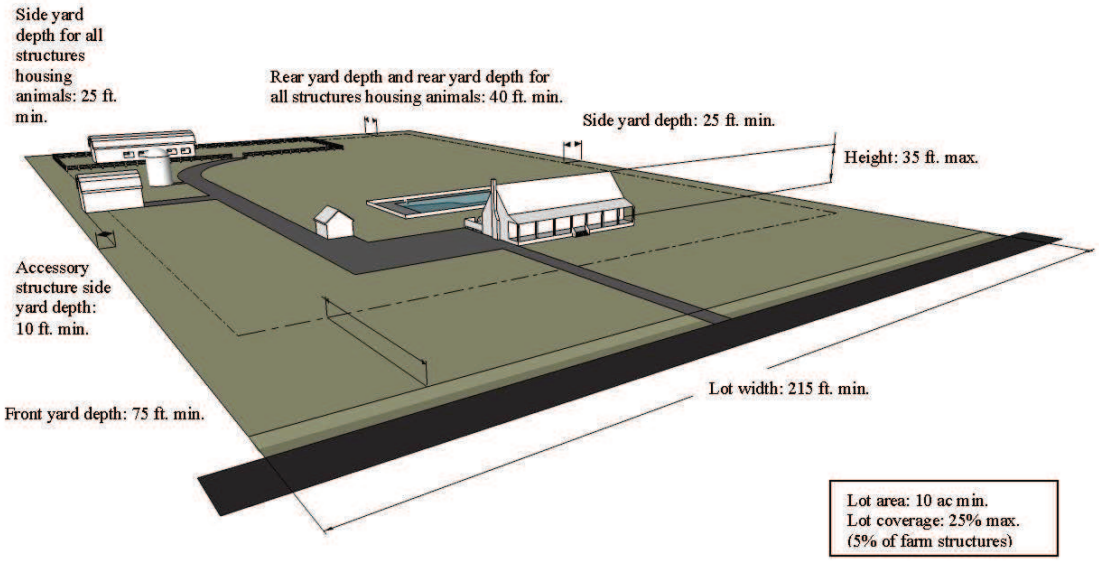
Secs. 83-155—83-159. Reserved.

Sec. 83-160. Agricultural-10 (A-10) District.

<table>
<tr><th colspan="3">A. Purpose.</th><th>Typical Development Form</th></tr>
<tr><td colspan="3">The purpose of the Agricultural-10 (A-10) District is to maintain the agrarian and low-density rural character of the county that optimizes economic use of the county's prime farmland and forest land resources and defines the countryside appearance and rural character of areas designated as rural preservation areas in the comprehensive plan. Specifically, the district is intended to accommodate and encourage agriculture, agri-business, agricultural and rural tourism, silviculture, and related uses and development. It is also intended to accommodate limited low-density single-family detached homes on lots of ten or more acres—primarily in the form of conservation subdivisions that conserve substantial open space and natural resources.</td><td rowspan="2"></td></tr>
<tr><td colspan="3">B. Use Standards.
See use table and use-specific standards in Article VII (Use Standards).</td></tr>
<tr><td colspan="3">C. Intensity and Dimensional Standards.[1, 2]</td><td rowspan="6"></td></tr>
<tr><td colspan="2">Lot area, minimum</td><td>10 ac[3]</td></tr>
<tr><td colspan="2">Lot width, minimum</td><td>215 ft.[4]</td></tr>
<tr><td colspan="2">Density, maximum</td><td>1 du/10 ac[5]</td></tr>
<tr><td colspan="2">Lot coverage, maximum</td><td>25%[6]</td></tr>
<tr><td colspan="2">Structure height, maximum</td><td>Lesser of 3 stories or 35 ft.</td></tr>
<tr><td rowspan="2">Front yard depth, minimum</td><td>Along limited access/arterial roads</td><td>100 ft.[7]</td><td rowspan="2">Typical Lot Layout</td></tr>
<tr><td>Along collector and local roads</td><td>75 ft.[7]</td></tr>
</table>

Side yard depth, minimum	25 ft.[8, 9]	
Rear yard depth, minimum	40 ft.[9, 10]	
Corner lot yard depth, minimum	40 ft.	
Notes: ac = acre(s) ft. = feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable lot area, lot width, lot coverage, and yard depth standards. 3. See chapter 68 (Subdivisions) for variations applicable to charitable subdivisions and family divisions. 4. One hundred fifty ft. for family divisions. 5. For conservation subdivisions, see chapter 68 (Subdivisions) for applicable density bonus for additional open space. 6. Five percent for farm structures and accessory structures. 7. Thirty-five ft. for flag lots. 8. Twenty-five ft. for principal structures, accessory dwelling units, or accessory structures housing animals. 9. Ten ft. for accessory structures (other than those housing animals). 10. Forty ft. for principal structures, accessory dwelling units, or accessory structures housing animals.		
D. Development Standards.		
See development standards in Article VIII (Development Standards).		

Typical Development Configuration



(Ord. No. 2013-09, 2-3-14; Ord. No. 2014-23, 9-15-14; Ord. No. O-2017-26, 9-25-17; Ord. No. O-2018-08, 3-26-18)

Sec. 83-161. Permitted uses.

The following uses are allowable as principal uses by right in the A-10 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Animal production (other than an animal confinement facility);

(2) Crop production;

(3) Dairy (other than an animal confinement facility);

(4) Forestry and logging;

(5) Greenhouse, nursery, and floriculture production;

(6) Agricultural support (direct);

(7) Agricultural support (indirect);

(8) Farm winery;

(9) Horse boarding and equestrian training;

(10) Dwelling, manufactured home;

(11) Dwelling, single-family detached;

(12) Telecommunications facility, collocated;

(13) Library;

(14) Adult day care center;

(15) Child day care center;

(16) Public school;

(17) Courthouse facility;

(18) Fire or EMS station;

(19) Government administrative offices;

(20) Government maintenance, storage, or distribution facility;

(21) Law enforcement facility;

(22) Post office;

(23) Community garden;

(24) Park or greenway;

(25) Place of worship;

(26) Utility use, minor;

(27) Kennel, private, two acres or more;

(28) Marina, noncommercial;

(29) Recreation facility, public;

(30) Taxidermy shop.

(Ord. No. O-2013-09, 2-3-14)

Sec. 83-162. Conditional uses.

The following uses are allowable as principal uses in the A-10 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Farm winery, special impact;

(2) Horse racetrack or show grounds;

(3) Livestock market;

(4) Sawmill, commercial;

(5) Farm worker housing;

(6) Manufactured home park;

(7) Assisted living facility;

(8) Continuing care retirement community;

(9) Hospice facility;

(10) Rooming or boarding house;

(11) Telecommunications tower;

(12) Community center;

(13) Museum;

(14) College or university;

(15) Private school;

(16) Vocational or trade school;

(17) Correctional facility;

(18) Fire training facility;

(19) Nursing home;

(20) Cemetery;

(21) Club or lodge;

(22) Halfway house;

(23) Shelter for victims of domestic violence;

(24) Airport;

(25) Helicopter landing facility;

(26) Reserved;

(27) Utility use, major;

(28) Animal grooming;

(29) Animal shelter;

(30) Pound;

(31) Kennel, commercial;

(32) Kennel, private, less than two acres;

(33) Veterinary clinic;

(34) Conference or training center;

(35) Country club;

(36) Fairground;

(37) Golf course;

(38) Marina, commercial;

(39) Recreation facility, commercial indoor;

(40) Recreation facility, commercial outdoor;

(41) Recreation facility, nonprofit;

(42) Shooting range, commercial;

(43) Rural event venue;

(44) Antique store;

(45) Art gallery;

(46) Auction facility;

(47) Farmers' market;

(48) Flea market;

(49) Campground/recreational vehicle park;

(50) Country inn;

(51) Commercial landscaping operation;

(52) Asphalt or concrete plant;

(53) Brewery or distillery;

(54) Microbrewery or micro-distillery;

(55) Winery;

(56) Convenience center, county;

(57) Heavy vehicle/equipment repair and servicing;

(58) Wood and stump recycling business;

(59) Contractor's storage yard;

(60) Minor meat processing.

(Ord. No. O-2013-09, 2-3-14; O-2016-29, 8-22-16; Ord. No. O-2019-20, 4-24-19; Ord. No. O-2022-26, 6-27-22; Ord. No. O-2022-27, 6-27-22; Ord. No. O-2023-28, § 1, 12-18-23; Ord. No. O-2023-27, § 2, 7-22-24)

Sec. 83-163. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the A-10 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Accessory dwelling unit (detached), up to 50 percent of square footage of the main dwelling;

(3) Airstrip;

(4) Amateur radio antenna;

(5) Bed and breakfast inn;

(6) Clubhouse;

(7) Eating establishment (as accessory to an agricultural use);

(8) Electric vehicle (EV) level 1 or 2 charging station;

(9) Electric vehicle (EV) level 3 charging station;

(10) Family day care home;

(11) Fuel oil or bottled gas distribution or storage, limited;

(12) Home garden;

(13) Home occupation;

(14) Home-based landscaping business;

(15) Kennel, private;

(16) Office (as accessory to P multifamily dwelling or commercial use);

(17) Open space, park, playground, or recreational facility;

(18) Outdoor storage (as an accessory use);

(19) Parking or storage of major recreational equipment on residential lots;

(20) Parking or storage of large vehicles;

(21) Rainwater cistern;

(22) Residential care facility;

(23) Private recycling bins;

(24) Retail sales (as accessory to an agricultural use);

(25) Roadside stand;

(26) Satellite dish;

(27) Shipping containers as storage;

(28) Shooting range, non-commercial;

(29) Small wind energy system;

(30) Solar energy collection system;

(31) Swimming pool, spa, or hot tub;

(32) Television or radio antenna.

(b) *Conditional accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the A-10 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Home-based business;

(2) Home-based truck hauler business.

(Ord. No. O-2013-09, 2-3-14; Ord. No. O-2022-25, 6-27-22)

Sec. 83-164. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the A-10 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Manufactured home used pending construction of conventional dwelling as primary residence;

(3) Model sales home/unit;

(4) Portable sawmill;

(5) Post-disaster temporary dwelling;

(6) Temporary construction-related structure or facility;

(7) Temporary family health care structure.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the A-10 District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmers' market (as a temporary use);

(3) Outdoor seasonal sales;

(4) Temporary business (other than outdoor seasonal sales).

(c) *Permitted with condition use permit.* The following uses are allowable as temporary uses of limited duration, in the A-10 District, only on approval of a conditional use permit and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Temporary second dwelling for an elderly or infirm family member.

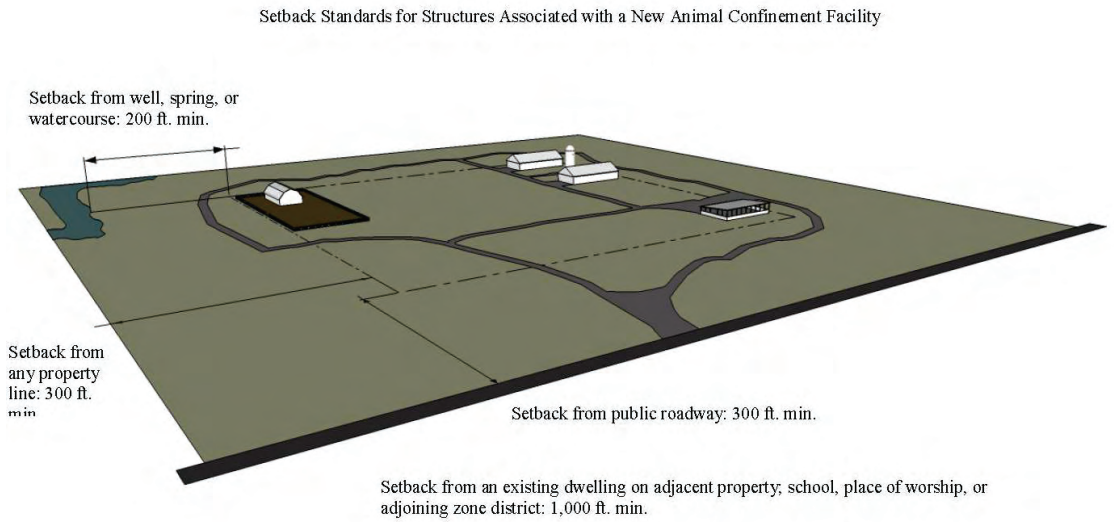
(Ord. No. O-2013-09, 2-3-14)

Secs. 83-165—83-169. Reserved.

Sec. 83-170. Agricultural/Animal Confinement (A-C) District.

A. Purpose.		**Typical Development Form**
The purpose of the Agricultural/Animal Confinement (A-C) District is to accommodate intensive agricultural operations involving the keeping or raising of livestock, dairy cattle, swine, and poultry in confined areas or facilities—subject to standards to mitigate the potential adverse impacts of such operations on adjacent properties. The district is also intended to accommodate other animal production, crop production, and other agricultural uses.		
B. Use Standards.		
See use-specific standards in Article VII (Use Standards).		
C. Intensity and Dimensional Standards.		
Setbacks for Structures Associated with New Poultry House Facilities[1]		
From a well, spring, stream, or water course	200 ft.	
From any property line	300 ft.	
From a public roadway	300 ft.	
From an existing dwelling on an adjacent property	500 ft.	
From a school or place of worship	1,000 ft.	
From an adjoining zone district	1,000 ft.	
Setbacks for Structures Associated with all other New Animal Confinement Facilities		
From a well, spring, stream, or water course	200 ft.	
From any property line	300 ft.	
From a public roadway	300 ft.	
From an existing dwelling on an adjacent property	1,000 ft.	
From a school or place of worship	1,000 ft.	
From an adjoining zone district	1,000 ft.	
Notes: ft. = feet 1. May be reduced by up to 50% through a written and recorded agreement between the owner of the animal confinement facility and the owner of the affected adjacent property.		
D. Development Standards.		**Typical Lot Layout**
See development standards in Article VIII (Development Standards) for any standards not addressed above.		

Typical Development Configuration



(e) *Animal confinement facility standards.* Animal confinement facilities shall comply with the following standards:

(1) *Required state approvals.*

a. No animal confinement facility shall be allowed under this chapter unless and until the appropriate state agency has approved.

1. A nutrient management plan providing for safe storage and disposal or use of all produced animal waste, and

2. A General Virginia Pollution Abatement Permit (VPA permit) for a confined animal feeding operations for the facility, in accordance with § 62.1-44.17.1 VA Code Ann. and 9VAC25-31-200.

b. The facility owner or operator shall file copies of the nutrient management plan and general permit with the director upon approval.

(2) *Updating the nutrient management plan.*

a. The nutrient management plan shall be updated every five years and more frequently in conjunction with any proposed expansion of 25 percent or more in the approved number of animal units in the facility.

b. The updated nutrient management plan shall be reviewed by a certified nutrient management planner and the director.

(3) *Storage and disposal or use of animal wastes.*

a. On-site storage. The facility shall provide for an animal waste storage site, with or without a permanent structure. Except as otherwise provided in subsection (b) below, the storage site shall be located on the same parcel as the facility and shall:

1. Have the capacity to store 100 percent of the wastes produced by the facility during the four consecutive months in which the maximum volume of wastes is produced by the facility;
2. Meet all applicable state requirements;
3. Meet the setback standards in section 83-170(c), Intensity and dimensional standards;
4. Provide for either diverting or storing rainfall onto the drainage area flowing into the storage site.

b. Off-site storage and disposal or use. The director may allow animal wastes produced by a facility to be transported directly from the facility to an approved storage site located on another parcel, or to another area, property, or receiver for immediate field application or other use, provided:

1. The nutrient management plan incorporates the proposed off-site storage and disposal or use;
2. The nutrient management plan includes either:
   i. Documentation of an agreement between the facility owner or operator and the receiver of the transported wastes; or
   ii. A sworn and notarized affidavit of the owner's or operator's intention to dispose of the waste through sale in retail establishments or otherwise directly to consumers.
3. A nutrient management plan documenting an agreement for off-site storage, disposal, or use of wastes shall be valid only so long as the agreement remains in force. The facility owner or operator shall provide the director written notice of the status of the agreement at least 30 days before the agreement expires and within five days after the agreement is terminated before its expiration date.

(4) *Setbacks.*

a. If the parcel on which the facility is located is divided such that structures previously complying with the setbacks required in section 83-170(c), Intensity and dimensional standards, no longer comply with the required setbacks (or any reduced setbacks pursuant to note 1 to section 83-170(c)), operation of the facility shall be terminated.

b. All animal confinement facilities existing before November 18, 1996, shall be deemed in compliance with all setback requirements, provided that the setbacks of new structures in the facility from the locations identified in section

83-170(c), Intensity and dimensional standards, shall be no less than the setbacks of the facility's existing structures. If the facility is expanded by 25 percent or more in the approved number of animal units, however, any new structures associated with the expansion shall comply with the minimum setback standards in section 83-170(c), Intensity and dimensional standards, or any reduced setback allowed in accordance with note 1 to section 83-170(c).

(5) *Buffer.* Animal containment facilities located on parcels that abut developed lot(s) containing residential, institutional, commercial, or industrial uses shall provide a perimeter buffer in accordance with the perimeter buffers provisions of section 83-461, Landscaping and buffers.

(Ord. No. O-2013-09, 2-3-14; Ord. No. 2017-13, 5-22-17)

Sec. 83-171. Permitted uses.

The following uses are allowable as principal uses by right in the A-C District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Animal confinement facility;

(2) Animal production (other than an animal confinement facility);

(3) Crop production;

(4) Dairy (other than an animal confinement facility);

(5) Forestry and logging;

(6) Greenhouse, nursery, and floriculture production;

(7) Agricultural support (direct);

(8) Agricultural support (indirect);

(9) Farm winery;

(10) Horse boarding and equestrian training;

(11) Horse racetrack or show grounds;

(12) Dwelling, manufactured home;

(13) Dwelling, single-family detached;

(14) Telecommunications facility, collocated;

(15) Fire or EMS station;

(16) Community garden;

(17) Park or greenway;

(18) Utility use, minor;

(19) Marina, noncommercial;

(20) Recreation facility, nonprofit;

(21) Recreation facility, public;

(22) Farmers' market.

(Ord. No. O-2013-09, 2-3-14)

Sec. 83-172. Conditional uses.

The following uses are allowable as principal uses in the A-C District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Livestock market;

(2) Farm worker housing;

(3) Telecommunications tower;

(4) Community center;

(5) Cemetery;

(6) Airport;

(7) Helicopter landing facility;

(8) Utility use, major;

(9) Animal shelter;

(10) Pound;

(11) Kennel, commercial;

(12) Veterinary clinic;

(13) Shooting range, commercial.

(Ord. No. O-2013-09, 2-3-14)

Sec. 83-173. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the A-C District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Airstrip;

(3) Amateur radio antenna;

(4) Electric vehicle (EV) level 1 or 2 charging station;

(5) Electric vehicle (EV) level 3 charging station;

(6) Family day care home;

(7) Home garden;

(8) Home occupation;

(9) Kennel, private;

(10) Office (as accessory to P multifamily dwelling or commercial use);

(11) Open space, park, playground, or recreational facility;

(12) Outdoor storage (as an accessory use);

(13) Parking or storage of major recreational equipment on residential lots;

(14) Parking or storage of large vehicles;

(15) Rainwater cistern;

(16) Residential care facility;

(17) Private recycling bins;

(18) Roadside stand;

(19) Satellite dish;

(20) Shipping containers as storage;

(21) Shooting range, non-commercial;

(22) Small wind energy system;

(23) Solar energy collection system;

(24) Swimming pool, spa, or hot tub;

(25) Television or radio antenna.

(b) *Conditional accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the A-C District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter.
(Ord. No. O-2013-09, 2-3-14)

Sec. 83-174. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the A-C District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Manufactured home used pending construction of conventional dwelling as primary residence;

(3) Portable sawmill;

(4) Post-disaster temporary dwelling;

(5) Temporary construction-related structure or facility;

(6) Temporary family health care structure.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the A-C District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmers' market (as temporary use);

(3) Outdoor seasonal sales;

(4) Temporary business (other than outdoor seasonal sales).

(c) *Permitted with conditional use permit.* The following uses are allowable as temporary uses of limited duration, in the A-C District, only on approval of a conditional use permit and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Temporary second dwelling for an elderly or infirm family member.

(Ord. No. O-2013-09, 2-3-14)

Sec. 83-175. Reserved.

Sec. 83-176. Rural Residential (RR) District.*

A. Intent.	
1. There are areas unique to Powhatan County which blend the character of rural, agricultural lifestyle with the demand and density for large lot development. The Rural Residential District is intended to meet the demand for large lot residential development while preserving the rural character and agricultural lifestyle in certain areas of the county. 2. Should review of any proposal submitted for this district create reasonable doubt as to its compatibility with the general area for which it is proposed or should review clearly demonstrate adverse impact on the general area for which it is proposed, additional zoning requirements may be imposed. Additional requirements must be based on findings of adverse impact.	
B. Use Standards	
C. Intensity and Dimensional Standards[1]	
Lot Size	The minimum lot size for dwellings or units shall be ten acres

*__Editor's note—__The Rural Residential District will remain from Fine Creek east on Route 711 to the Chesterfield County line on the north side of Route 711. Provisions brought forward from 2013 zoning ordinance, reformatted, renumbered and incorporated June 2, 2014

Lot Width	215 feet in width at the building line except for family exception lots which are 150 feet in width at the building line
Lot Coverage	Accessory buildings shall not exceed 25 percent of the lot area
Building Height	The height of buildings and structures in this district shall not exceed three stories or 35 feet to the cornice line. Silos, water towers, granaries, barns, church spires and similar structures may exceed 35 feet in height.
Yard Requirements:	
Front	100 feet; 35 feet from the front property line for a flag lot
Side[2, 3]	25 feet
Rear[2, 3]	40 feet
Corner Lot	40 feet
Notes: 1. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable lot area/size, lot width, lot coverage, yard requirements, and applicable density bonus for additional open space. 2. Accessory Buildings, Use or Structures — 10 feet (Side and Rear Yards) 3. Structure housing animals — 25 feet (Side), 40 feet (Rear)	
D. Development Standards	
Utilities	All utilities shall conform to the provisions of the Powhatan County Subdivision Ordinance (chapter 68 of the Code of Powhatan).
Signs	All signs in this district must be approved by the planning commission with the exception of those advertising the sale of property. Those signs advertising the sale of property must be located on the property advertised and must comply with Article VIII (Development Standards) of this chapter.
Parking	Parking provisions must comply with Article VIII (Development Standards) of this chapter.

(Ord. of 5-23-85; Ord. of 10-18-04; Ord. of 6-2-14; Ord. No. 2014-23, 9-15-14; Ord. No. O-2019-19, 6-24-19)

Sec. 83-177. Permitted uses.

Land, buildings and structures in the RR District shall be used only for the following purposes:

(1) Agricultural uses and all buildings necessary to such use and the keeping, storage, or operation of any vehicle or machinery necessary to such use;

(2) Detached single-family dwellings;

(3) Churches and places of worship, including parish houses and Sunday Schools;

(4) Forestry;

(5) Timber harvesting which may include sawmill(s) used only for cutting timber harvest on site;

(6) Dairying, and raising and breeding of livestock, poultry and other animals;

(7) Greenhouses;

(8) Livery stable or riding academy;

(9) Public schools, libraries, administration buildings, and public utility facilities excluding wastewater treatment plants;

(10) Recreation facility, public;

(11) Bed and Breakfast homes;

(12) Adult or juvenile jails, detention facilities, or correctional facilities operated or owned by local or regional governmental entities, and located within or surrounded by existing state correction facilities;

(13) Limited commercial landscaping contractor;

(14) Shooting or archery ranges permitted by property owner for benefit of non-profit, non-commercial or community service organizations, provided that the owner participates in the operation of the range. Such range shall be located on a parcel not less than 30 acres. Adjoining parcels may be treated as combined to satisfy the 30 acre requirement, provided all other requirements of this subsection are satisfied. No part of such use shall be located any closer than 300 feet to the public road right-of-way, or 300 feet from any other property boundary. Use of the range shall not be open to the general public. The range shall operate only during daylight, and not before 10:00 a.m. No automatic weapons shall be used. Only weapons of recreational or instructional caliber shall be used;

(15) Accessory buildings, uses, or structures;

(16) Winery;

(17) Farm winery;

(18) Public utilities to serve the residences of this district;

(19) Model home;

(20) Gardening for flowers, vegetables and fruits, as it is customarily practiced in residential areas;

(21) Private garages;

(22) Storage sheds for lawn and garden tools;

(23) Accessory apartment;

(24) Home occupation;

(25) Family day care home.

(26) Accessory dwelling unit (detached), up to 50 percent of the square footage of the main dwelling.

(Ord. of 5-23-85; Ord. of 6-2-14; Ord. No. O-2024-21, § 1, 9-23-24)

Sec. 83-178. Conditional uses.

The following uses may be permitted by the supervisors with a conditional use permit, following review by the planning commission:

(1) Country clubs, golf courses, athletic fields, parks, playgrounds, swimming pools, meeting/lodge halls, and similar facilities operated by non-profit organizations, not for commercial purposes;

(2) Home based businesses which do not meet the conditions for a home occupation as a permitted use, provided that the principal operator of the business shall own the property and reside on it;

(3) Horse show grounds and related rings or tracks;

(4) Cemeteries;

(5) Other governmental structures/use;

(6) Kennel/commercial;

(7) More than one dwelling unit provided that the minimum lot size per dwelling unit for the district is met;

(8) Expansion of non-conforming use(s); structures and/or uses and structures in combination of use by more than 40 percent;

(9) Electric transmission facilities, petroleum product pipe lines, and other similar uses or structures;

(10) Private schools, colleges, museums;

(11) Manufactured/mobile home;

(12) Amateur radio tower not to exceed 200 feet in height;

(13) Kennel, private on parcel with minimum lot size of three acres;

(14) Country inn;

(15) Temporary second dwelling for hardship, handicapped, or elderly family member;

(16) Rural event venue.

(Ord. of 5-23-85; Ord. of 10-18-04; Ord. No. O-2014-10, 6-2-14; Ord. No. O-2018-24, 9-24-18; Ord. No. O-2019-20, 4-24-19)

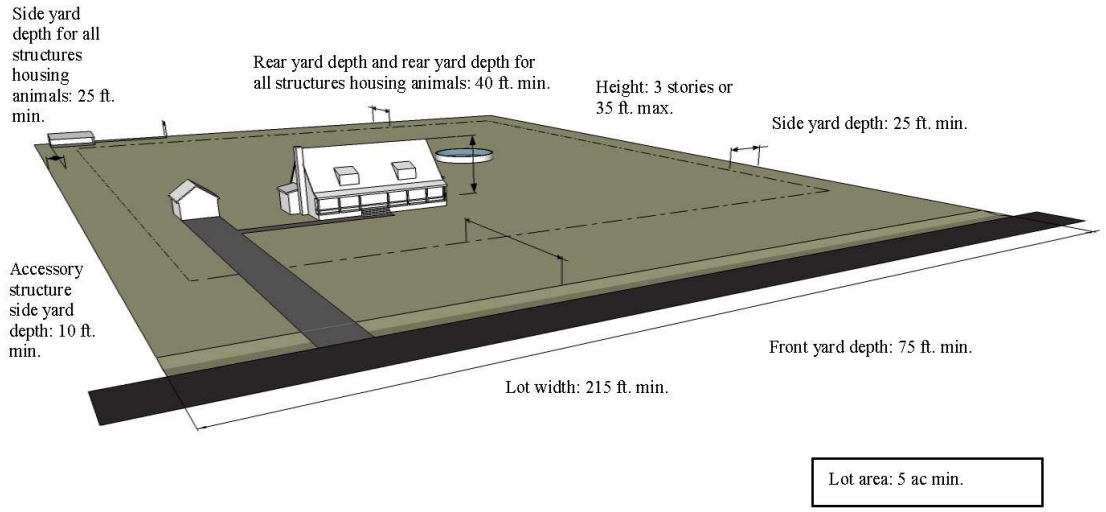
Sec. 83-179. Reserved.

Sec. 83-180. Rural Residential-5 (RR-5) District.

A. Purpose.	**Typical Development Form**
The purpose of the Rural Residential-5 district is to maintain the moderately low-density rural/suburban development patterns that define the rural character of the county's rural residential areas. Specifically, the district is intended to accommodate single-family detached homes at densities of one home per five or more acres. It may include complementary uses such as limited institutional uses (e.g., schools, public safety facilities, and places of worship), as well as residentially compatible agricultural, agri-business, agricultural/rural tourism, and silvicultural uses. The district is served by rural rather than urban level infrastructure. Lots may be laid out at a minimum of five acres per lot as of right. To encourage the protection of natural areas and open space through innovative subdivision design, lots may also be laid out in a range of sizes, with a minimum lot size of two in combination with larger lots so that the average lot size for the entire tract is not less than five acres per lot. The board of supervisors will allow a zoning applicant to use the lot averaging option as part of a conditional zoning application based on the compliance of the conceptual development plan proffered by the applicant pursuant to section 83-123(d), Conditional Zoning subject to consideration of the following factors: • Preservation of rural vistas as viewed from existing and proposed collector and arterial roads, and historic sites, by excluding such areas from lot development; • Sensitivity of the lot layout to preserve and promote the natural resources and features present on the tract such as existing woodlands, topography, stream corridors, wetlands, or historic sites; • Location of open spaces, large lots (10 acres or greater), or farms in a manner that allows public view of them from existing public roads and adjacent land uses; • Ponds, pedestrian or horse trails, or recreational amenities (swimming pools, tennis courts, or clubhouse) owned and managed by the subdivision residents or offered to the county for public use for subdivisions with more than 75 lots; and • Land must be located within the rural residential area of the county as designated by the countywide land use plan in 2010 Long Range Comprehensive Plan adopted July 12, 2010.	 

B. Use Standards.	
See use table and use-specific standards in Article VII, Use Standards.	
C. Intensity and Dimensional Standards.[1, 2, 3]	
Lot area, minimum	5 ac[4]
Lot width, minimum	215 ft.
Density, maximum	1 du/5 ac[5]
Lot coverage, maximum	n/a
Structure height, maximum	Lesser of 3 stories or 35 ft.
Front yard depth, minimum	75 ft. [6]
Side yard depth, minimum	25 ft.[7, 8]
Rear yard depth, minimum	40 ft.[8, 9]
Corner lot yard depth, minimum	40 ft.
Notes: ac = acre(s) ft. = feet 1. See measurement rules and allowed exceptions/variations in the exceptions and variation provisions of Article XII, Interpretations. 2. The keeping of one horse or pony for lots of five acres or more; one additional horse or pony may be kept for each additional acre, for parcels 20 acres or less. A private kennel (as an accessory use) requires a conditional use permit for parcels 2 acres or less. 3. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable lot area, lot width, lot coverage, and yard depth standards. 4. See Powhatan County Code Chapter 68 (Subdivisions) for variations applicable to family divisions and large lot subdivisions. 5. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable density bonus for additional open space. 6. Thirty-five ft. for flag lots. 7. Twenty-five ft. for principal structures or accessory structures housing animals. 8. Ten ft. for accessory structures (other than those housing animals). 9. Forty ft. for principal or accessory structures housing animals.	Typical Lot Layout 
D. Development Standards.	
See development standards in Article VIII, Development Standards.	

Typical Development Configuration



(Ord. No. O-2013-09, 2-3-14; Ord. No. 2014-23, 9-15-14; Ord. No. O-2019-19, 6-24-19)

Sec. 83-181. Permitted uses.

The following uses are allowable as principal uses by right in the RR-5 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Dwelling, single-family detached;

(2) Telecommunications facility, collocated;

(3) Public school;

(4) Fire or EMS station;

(5) Community garden;

(6) Park or greenway;

(7) Utility use, minor;

(8) Marina, noncommercial;

(9) Recreation facility, public;

(10) Crop production.

(Ord. No. O-2013-09, 2-3-14)

Sec. 83-182. Conditional uses.

The following uses are allowable as principal uses in the RR-5 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Farm winery;

(2) Horse boarding and equestrian training;

(3) Rooming or boarding house;

(4) Community center;

(5) Library;

(6) Private school;

(7) Cemetery;

(8) Place of worship;

(9) Utility use, major;

(10) Country club;

(11) Golf course;

(12) Recreation facility, nonprofit.

(Ord. No. O-2013-09, 2-3-14)

Sec. 83-183. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the RR-5 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment (pursuant to section 83-438(a)(4));

(2) Amateur radio antenna;

(3) Bed and breakfast inn;

(4) Electric vehicle (EV) level 1 or 2;

(5) Family day care home;

(6) Home garden;

(7) Home occupation;

(8) Kennel, private (see section 83-438(n));

(9) Open space, park, playground, or recreational facility;

(10) Agricultural uses and buildings on lots 20 acres or greater in size;

(11) Parking or storage of major recreational equipment on residential lots;

(12) Parking or storage of large vehicles;

(13) Private garage;

(14) Private recycling bins;

(15) Rainwater cistern;

(16) Residential care facility;

(17) Satellite dish;

(18) Small wind energy system;

(19) Solar energy collection system;

(20) Storage shed for lawn and garden tools;

(21) Swimming pool, spa, or hot tub;

(22) Television or radio antenna;

(23) Accessory dwelling unit (detached), up to 35 percent of square footage of the main dwelling.

(b) *Conditional accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the RR-5 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Home-based business;

(2) Home-based landscaping business;

(3) Accessory apartment, over 35 percent of total gross floor area of principal dwelling. (Ord. No. O-2013-09, 2-3-14; Ord. No. O-2022-25, 6-27-22)

Sec. 83-184. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the RR-5 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Model sales home/unit;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility;

(5) Temporary family health care structure.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the RR-5 District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Outdoor seasonal sales.

(c) *Permitted with conditional use permit.* The following uses are allowable as temporary uses of limited duration, in the RR-5 District, only on approval of a conditional use permit and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Temporary second dwelling for an elderly or infirm family member.

(Ord. No. O-2013-09, 2-3-14)

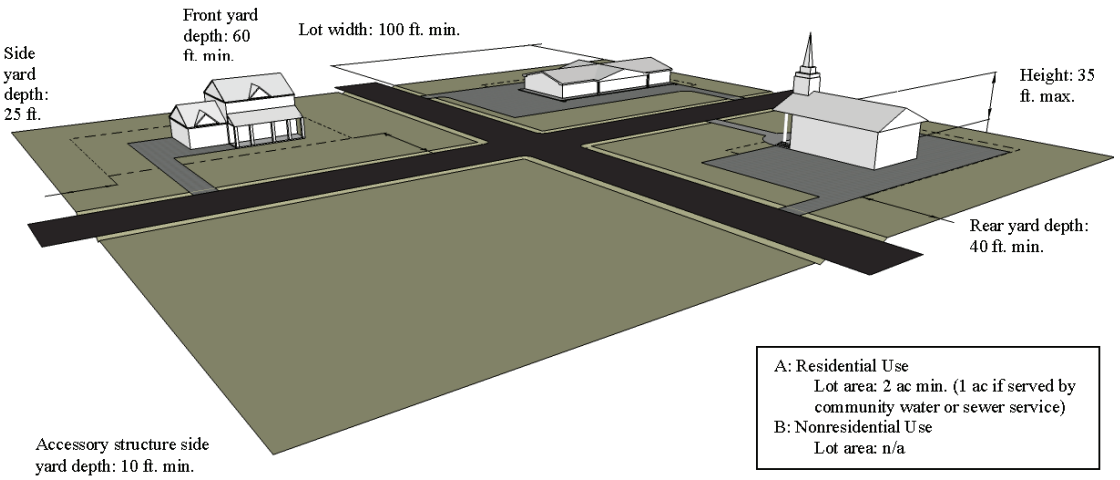
Secs. 83-185—83-189. Reserved.

Sec. 83-190. Crossroads (CR) District.

<table>
<tr><td colspan="3">A. Purpose.</td><td>Typical Development Form</td></tr>
<tr><td colspan="3">The purpose of the Crossroads (CR) District is to preserve and enhance the small historic crossroads communities that are the primary service areas for the county's farmers and rural residents and help define the character of the county's rural areas. Specifically, the district is intended to accommodate a small collection of five to eight buildings or uses loosely clustered around road or road/railroad intersections (within approximately ½ mile of the intersection). Appropriate uses include small-scale and rural-oriented businesses (such as grocery stores, convenience stores, agricultural supply stores, gas stations, and restaurants), institutional uses (such as post offices, schools, fire stations, community centers, and places of worship), heritage tourism uses (such as bed and breakfast inns), and single-family residential homes. New development should be designed to respect the scale and other characteristics that define the crossroads' historic character.</td><td rowspan="2"></td></tr>
<tr><td colspan="3">B. Use Standards.
See use specific standards in Article VII (Use Standards).</td></tr>
<tr><td colspan="3">C. Intensity and Dimensional Standards.[1]</td><td rowspan="6"></td></tr>
<tr><td></td><td>Residential</td><td>Nonresidential</td></tr>
<tr><td>Lot area, minimum</td><td>2 ac[2]</td><td>n/a</td></tr>
<tr><td>Lot width, minimum</td><td>100 ft.</td><td>100 ft.</td></tr>
<tr><td>Density, maximum</td><td>1 du/2 ac[3]</td><td>n/a</td></tr>
<tr><td>Gross floor area, maximum</td><td>n/a</td><td>15,000 s.f.[4]</td></tr>
<tr><td>Lot coverage, maximum</td><td colspan="2">n/a</td><td>Typical Lot Layout</td></tr>
<tr><td>Structure height, maximum</td><td colspan="2">35 ft.</td><td></td></tr>
</table>

Front yard depth, minimum	60 ft.[5]	
Side yard depth, minimum	25 ft.[6, 7]	
Rear yard depth, minimum	40 ft.[7, 8]	
Corner lot yard depth, minimum	30 ft.	
Notes: ac = acre(s) ft. = feet s.f. = square feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. One ac where served by community water or sewer service. 3. One du/ac where served by community water or sewer service. 4. Applies to commercial uses only. 5. Thirty-five ft. for flag lots. 6. Twenty-five ft. for principal or accessory structures housing animals. 7. Ten ft. for accessory structures (other than those housing animals). 8. Forty ft. for principal or accessory structures housing animals.		
D. Development Standards.		
See development standards in Article VIII (Development Standards).		

Typical Development Configuration



(Ord. No. O-2013-06, 9-16-13; Ord. No. 2014-23, 9-15-14; Ord. No. O-2019-10, 2-25-19)

Sec. 83-191. Permitted uses.

The following uses are allowable as principal uses by right in the CR District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Greenhouse, nursery, and floriculture production;

(2) Agricultural support (indirect);

(3) Farm winery;

(4) Dwelling, live/work;

(5) Dwelling, single-family detached;

(6) Telecommunications facility, collocated;

(7) Community center;

(8) Library;

(9) Museum;

(10) Adult day care center;

(11) Child day care center;

(12) Public school;

(13) Fire or EMS station;

(14) Government administrative offices;

(15) Law enforcement facility;

(16) Post office;

(17) Medical or dental clinic;

(18) Community garden;

(19) Park or greenway;

(20) Utility use, minor;

(21) Animal grooming;

(22) Brewpub;

(23) Restaurant without drive-through service (less than or equal to 3,500 square feet in area);

(24) Specialty eating or drinking establishment (less than or equal to 3,500 square feet in area);

(25) Professional offices;

(26) Recreation facility, nonprofit;

(27) Recreation facility, public;

(28) Antique store;

(29) Auction facility;

(30) Art gallery;

(31) Arts, craft, music, dance, photography, or martial arts studio/school;

(32) Farmers' market;

(33) Lawn care, pool, or pest control service;

(34) Personal services establishment;

(35) Taxidermy shop;

(36) Country inn;

(37) Brewery or distillery;

(38) Micro-brewery;

(39) Micro-distillery;

(40) Artisan food and beverage production;

(41) Winery.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2019-10, 2-25-19; Ord. No. O-2021-13, 6-28-21)

Sec. 83-192. Conditional uses.

The following uses are allowable as principal uses in the CR District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Horse boarding and equestrian training;

(2) Livestock market;

(3) Private school;

(4) Vocational or trade school;

(5) Cemetery;

(6) Place of worship;

(7) Surface transportation passenger station/terminal;

(8) Animal shelter;

(9) Pound;

(10) Kennel, commercial;

(11) Veterinary clinic;

(12) Conference or training center;

(13) Rural event venue;

(14) Restaurant without drive-through service (greater than 3,500 square feet in area);

(15) Specialty eating or drinking establishment (greater than 3,500 square feet in area);

(16) Contractor's office;

(17) Convenience store;

(18) Other retail sales establishment;

(19) Automotive painting or body shop;

(20) Automotive repair and servicing;

(21) Automotive wrecker service;

(23) Gas station;

(24) Tire sales and mounting.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2017-25, 9-25-17; Ord. No. O-2019-10, 2-25-19; Ord. No. O-2019-20, 4-24-19)

Sec. 83-193. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the CR District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Amateur radio antenna;

(3) Automatic teller machine (ATM);

(4) Bed and breakfast inn;

(5) Canopy, nonresidential drive-through;

(6) Clubhouse;

(7) Electric vehicle (EV) level 1 or 2 charging station;

(8) Electric vehicle (EV) level 3 charging station;

(9) Family day care home;

(10) Fuel oil or bottled gas distribution or storage, limited;

(11) Home garden;

(12) Home occupation;

(13) Office (as accessory to P multifamily dwelling or commercial use);

(14) Open space, park, playground, or recreational facility;

(15) Outdoor display and sale of merchandise;

(16) Outdoor storage (as an accessory use);

(17) Parking or storage of major recreational equipment on residential lots;

(18) Parking or storage of large vehicles;

(19) Rainwater cistern;

(20) Residential care facility;

(21) Private recycling bins;

(22) Roadside stand;

(23) Satellite dish;

(24) Small wind energy system;

(25) Solar energy collection system;

(26) Swimming pool, spa, or hot tub;

(27) Television or radio antenna.

(b) *Conditional accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the CR District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Home-based landscaping business;

(2) Kennel, private.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-194. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the CR District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Post-disaster temporary dwelling;

(3) Temporary construction-related structure or facility;

(4) Temporary family health care structure.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the CR District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmer's market (as a temporary use);

(3) Outdoor seasonal sales;

(4) Temporary business (other than outdoor seasonal sales).

(Ord. No. O-2013-06, 9-16-13)

Secs. 83-195—83-199. Reserved

ARTICLE IV. VILLAGE GROWTH AREA DISTRICTS

DIVISION 1. VILLAGE GROWTH AREA BASE DISTRICTS

Sec. 83-200. General purposes of village growth area base districts.

The village growth area base districts established in this article are intended to establish within the village growth areas designated in the comprehensive plan a compact pattern of urban and suburban development characterized by mixed-use village centers and commerce centers surrounded by diverse residential neighborhoods. While the purpose of each type of village growth area base district is tailored to the land use classification it is intended to help implement, the following additional purposes are common to all village growth area base districts:

(1) Provide appropriately located lands to meet the residential needs of the county's current and future populations;

(2) Provide appropriately located lands for the full range of commercial uses needed by the county's residents, businesses, and workers;

(3) Provide appropriately located lands for the full range of heavy industrial, light industrial, and industrially related uses that can realistically contribute to the local economy and take advantage of the local employee base;

(4) Strengthen the county's economic base, and provide employment opportunities close to home for residents of the county and surrounding communities;

(5) Preserve the unique character of historic resources;

(6) Promote development that establishes a character and sense of identity for the various village centers, commerce centers, and neighborhoods, and provide appropriate transitions between them;

(7) Encourage mixed-use development that enables people to live, work, shop, and play in close vicinity to each other;

(8) Include road and walkway networks that ensue safe and efficient vehicular access and circulation and provide a high level of vehicular interconnectivity;

(9) Promote the mixing of low-speed vehicular traffic and pedestrian activity along human-scale streetscapes;

(10) Promote walkable village growth areas by providing multiple opportunities for people to walk to local destinations by a variety of routes;

(11) Preserve or provide a "green network" of open spaces and parks that protect natural areas and historic resources and tie together village centers, commerce centers, residential neighborhoods, schools, and other important destinations within a village growth areas;

(12) Protect properties from fires, explosions, toxic fumes and substances, and other public safety hazards;

(13) Protect residential, commercial, and industrial developments from the potential adverse impacts of incompatible adjacent uses and development;

(14) Coordinate and time development with the availability of adequate infrastructure capacity;

(15) Provide systems for properly mitigating the stormwater impacts of individual developments that are coordinated with countywide stormwater management efforts; and

(16) Promote sustainable development in terms of energy efficiency and conservation, food security, materials recycling, water conservation, and similar sustainability goals.

Nothing herein shall be deemed to allow dump heaps, as defined herein, therefore keeping or maintaining a dump heap shall be prohibited on property in all village growth area base districts.

The village growth area base districts established by this chapter are:

Village Growth Area Base Districts	
R-2	Single-Family Residential-2
VR	Village Residential
VC	Village Center
CHSC	Courthouse Square Center
CC	Commerce Center
I-1	Light Industrial
I-2	Heavy Industrial
M	Mining and Mineral Extraction

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2019-15, 3-25-19; Ord. No O-2020-17, 11-23-20)

Secs. 83-201—83-209. Reserved.

Sec. 83-210. Single-family Residential-2 (R-2) District.

A. Purpose.	**Typical Development Form**
The purpose of the Single-family Residential-2 (R-2) District is to accommodate low-density, semi-suburban residential developments at the edges of village growth areas designated in the comprehensive plan, where they provide transition between the village growth area's more intensely developed areas and surrounding rural areas. Specifically, the district is intended to accommodate single-family detached homes on lots of two or more acres (or the equivalent density). It may include complementary limited institutional uses (e.g., schools, public safety facilities, places of worship, and parks). New R-2 districts shall be located in areas classified low-density residential by the comprehensive plan.	

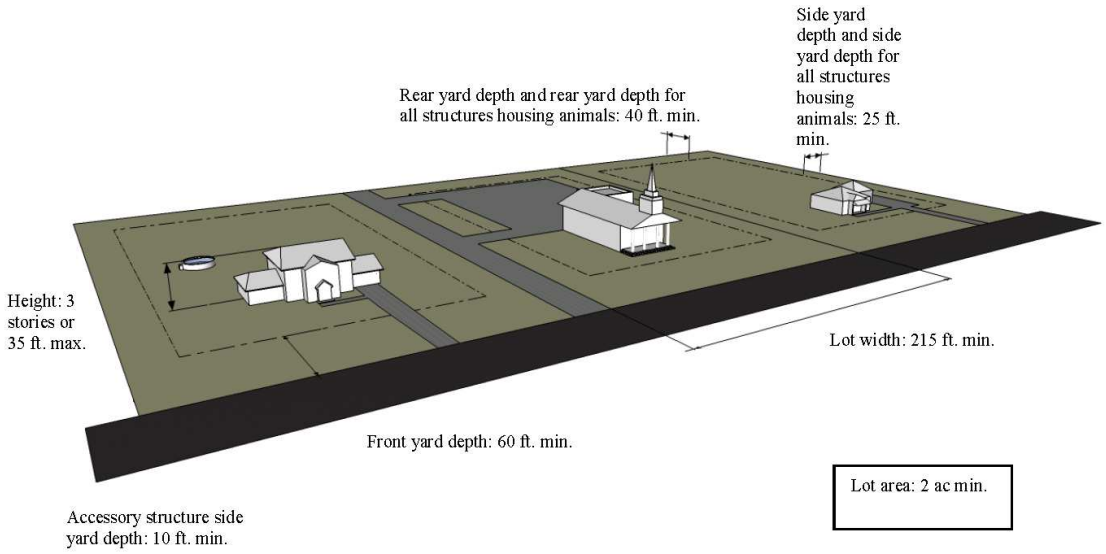
B. Use Standards.	
See use specific standards in Article VII (Use Standards).	
C. Intensity and Dimensional Standards.[1, 2]	
Lot area, minimum[7]	2 ac
Lot width, minimum	215 ft.
Density, maximum	1 du/2 ac
Lot coverage, maximum	n/a
Structure height, maximum	Lesser of 3 stories or 35 ft.
Front yard depth, minimum	60 ft.[3]
Side yard depth, minimum	25 ft.[4, 5]
Rear yard depth, minimum	40 ft.[5, 6]
Corner lot yard depth, minimum	30 ft.
Notes: ac = acre(s) ft. = feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable lot area, lot width, lot coverage, and yard depth standards. 3. Thirty-five ft. for flag lots. 4. Twenty-five ft. for principal or accessory structures housing animals. 5. Ten ft. for accessory structures (other than those housing animals). 6. Forty ft. for principal or accessory structures housing animals. 7. On a lot of three acres or more, not more than one horse or pony may be housed and maintained; for each additional acre in excess of three acres, one additional horse or one additional pony may be housed and maintained with the maximum not to exceed three.	
D. Development Standards.	
See development standards in Article VIII (Development Standards).	



Typical Lot Layout



Typical Development Configuration



(Ord. No. O-2013-14, 2-3-14; Ord. No. 2014-23, 9-15-14; Ord. No. O-2019-19, 6-24-19)

Sec. 83-211. Permitted uses.

The following uses are allowable as principal uses by right in the R-2 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Fire and EMS Station;

(2) Dwelling, duplex;

(3) Dwelling, single-family detached;

(4) Dwelling, townhouse;

(5) Telecommunications facility, collocated;

(6) Public school;

(7) Community garden;

(8) Park or greenway;

(9) Utility, minor.

(Ord. No. O-2013-14, 2-3-14)

Sec. 83-212. Conditional uses.

The following uses are allowable as principal uses in the R-2 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Dwelling, multifamily;

(2) Assisted living facility;

(3) Rooming or boarding house;

(4) Community center;

(5) Library;

(6) Adult day care center;

(7) Child day care center;

(8) Private school;

(9) Vocational or trade school;

(10) Public square or plaza;

(11) Halfway house;

(12) Place of worship;

(13) Shelter for victims of domestic abuse;

(14) Country club;

(15) Golf course;

(16) Marina, noncommercial;

(17) Recreation facility, nonprofit;

(18) Recreation facility, public.

(Ord. No. O-2013-14, 2-3-14)

Sec. 83-213. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the R-2 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Amateur radio antenna;

(3) Electric vehicle (EV) level 1 or 2 charging station;

(4) Family day care home;

(5) Home garden;

(6) Home occupation;

(7) Kennel, private (see section 83-438(n));

(8) Open space, park, playground, or recreational facility;

(9) Parking or storage of major recreational equipment on residential lots;

(10) Private garage;

(11) Parking or storage of large vehicles (see section 83-438(r));

(12) Rainwater cistern;

(13) Residential care facility;

(14) Private recycling bins;

(15) Satellite dish;

(16) Small wind energy system;

(17) Solar energy collection system;

(18) Storage shed for lawn and garden tools;

(19) Swimming pool, spa, or hot tub;

(20) Television or radio antenna;

(21) Accessory dwelling unit (detached), up to 35 percent of square footage of the main dwelling.

(b) *Conditional accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the R-2 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Kennel, private, for parcels under two acres (see section 83-438(n)).

(Ord. No. O-2013-14, 2-3-14; Ord. No. O-2022-25, 6-27-22)

Sec. 83-214. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the R-2 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Model sales home/unit;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility;

(5) Temporary family health care structure.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the R-2 District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction.

(Ord. No. O-2013-14, 2-3-14)

Secs. 83-215—83-219. Reserved.

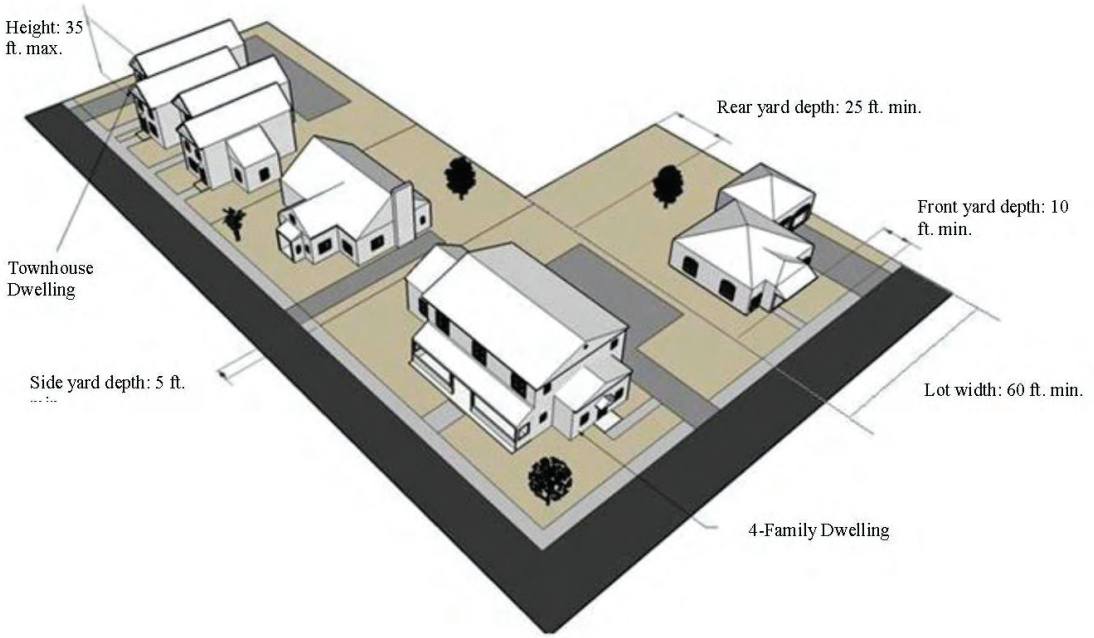
Sec. 83-220. Village Residential (VR) District.

A. Purpose.	**Typical Development Form**
The purpose of the Village Residential (VR) District is to accommodate moderate-density residential development of walkable neighborhoods that include single-family detached, duplex, and townhouse dwellings, as well as small (1- to 4-unit) multifamily dwellings that look like large single-family homes. District standards are intended to encourage traditional style homes that relate to the street, with front porches and detached or side- or rear-loading garages. VR districts shall be located in areas designated village residential by the comprehensive plan, relatively close to village centers or retail and service uses in commerce centers. Development is also intended to provide transitions to surrounding low-density residential neighborhoods through buffers or larger perimeter lots.	
B. Use Standards.	

See use specific standards in Article VII (Use Standards).		
C. Intensity and Dimensional Standards.[1]		
Lot area, minimum		10,000 s.f.[2]
Lot width, minimum		60 ft.[2]
Density, maximum		4 du/ac
Lot coverage, maximum		60%
Structure height, maximum		35 ft.
Front yard depth, minimum	Along major arterials, excluding limited access roads	75 ft.[3, 5]
	Along minor arterial	50 ft.[3, 6]
	Along rural collector roads	35 ft.[7]
	Lots abutting internal/ local roads	10 ft.[3, 8]
Side yard depth, minimum		5 ft.[2]

Rear yard depth, minimum	25 ft.[4]	
Corner lot yard depth, minimum	10 ft.	
Notes: ft. = feet s.f. = square feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum lot size of 1,800 s.f. and a minimum lot width of 18 ft. 3. Any front-loading garage shall be set back at least 5 ft. to the rear of the dwelling's front facade. 4. Three ft. for accessory uses and structures. 5. Fifty ft. for accessory uses and parking lots. 6. Thirty-five ft. for accessory uses and parking lots. 7. Twenty ft. for accessory uses and parking lots. 8. Ten ft. for accessory uses and parking lots.		
D. Development Standards.		
See development standards in Article VIII (Development Standards).		

Typical Development Configuration



(Ord. No. O-2013-06, 9-16-13; Ord. No. 2014-23, 9-15-14; Ord. No. O-2016-19, 5-23-16)

Sec. 83-221. Permitted uses.

The following uses are allowable as principal uses by right in the VR District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Dwelling, duplex;

(2) Dwelling, single-family detached;

(3) Dwelling, three- or four-family;

(4) Dwelling, townhouse;

(5) Telecommunications facility, collocated;

(6) Private school;

(7) Public school;

(8) Law enforcement facility;

(9) Community garden;

(10) Park or greenway;

(11) Public square or plaza;

(12) Utility use, minor;

(13) Recreation facility, nonprofit;

(14) Recreation facility, public.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-222. Conditional uses.

The following uses are allowable as principal uses in the VR District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Assisted living facility;

(2) Continuing care retirement community;

(3) Hospice facility;

(4) Rooming or boarding house;

(5) Adult day care center;

(6) Child day care center;

(7) Vocational or trade school;

(8) Fire or EMS station;

(9) Nursing home;

(10) Halfway house;

(11) Place of worship;

(12) Shelter for victims of domestic abuse;

(13) Utility use, major;

(14) Country club;

(15) Micro-distillery.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2017-25, 9-25-17)

Sec. 83-223. Accessory uses.

The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the VR District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Amateur radio antenna;

(3) Electric vehicle (EV) level 1 or 2 charging station;

(4) Electric vehicle (EV) level 3 charging station;

(5) Family day care home;

(6) Home garden;

(7) Home occupation;

(8) Open space, park, playground, or recreational facility;

(9) Outdoor storage (as an accessory use);

(10) Parking or storage of major recreational equipment on residential lots;

(11) Parking or storage of large vehicles;

(12) Rainwater cistern;

(13) Residential care facility;

(14) Private recycling bins;

(15) Satellite dish;

(16) Small wind energy system;

(17) Solar energy collection system;

(18) Swimming pool, spa, or hot tub;

(19) Television or radio antenna.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-224. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the VR District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Model sales home/unit;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility;

(5) Temporary family health care structure.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the VR District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction.

(Ord. No. O-2013-06, 9-16-13)

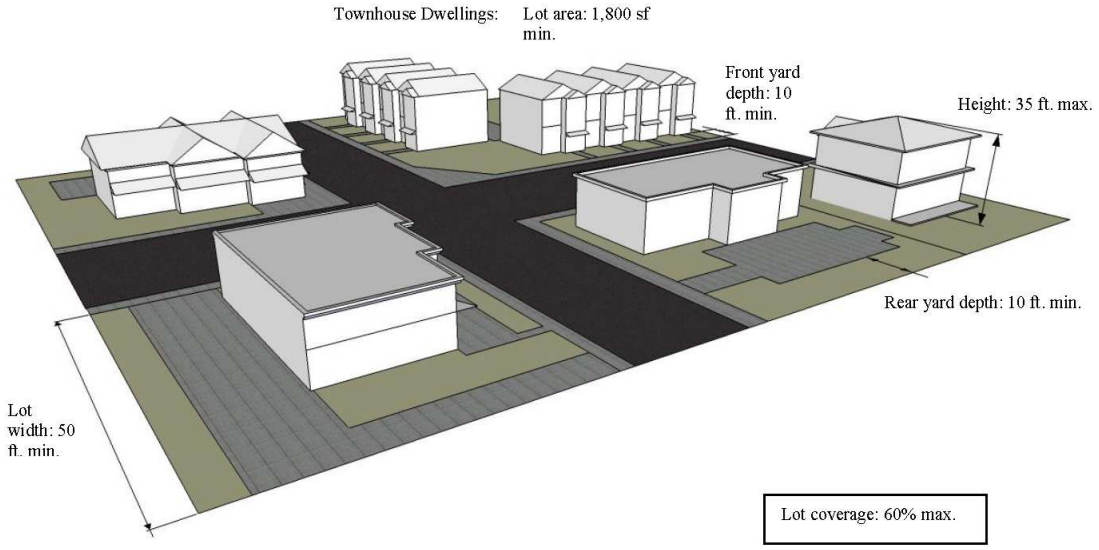
Secs. 83-225—83-229. Reserved.

Sec. 83-230. Village Center (VC) District.

A. Purpose.		**Typical Development Form**
The purpose of the Village Center (VC) District is to accommodate a mix of retail, office, service, and civic uses that address the needs of neighborhoods in the immediate vicinity (e.g., personal services uses, restaurants, banks, convenience stores, drugstores, grocery stores, libraries, places of worship, day care, schools), as well as moderate-density residential development that is mixed in with nonresidential uses, preferably in vertical mixed-use buildings with ground-level retail and office uses and upper-floor residential use. District development is intended to focus on central focal point, square, or "main street" and have a scale and form that maintains a small town or "village" feel, respects the context of the surrounding neighborhood, relates to the street, and is pedestrian-friendly. VC districts shall be located in areas classified village center by the comprehensive plan.		
B. Use Standards.		
See use specific standards in Article VII (Use Standards).		
C. Intensity and Dimensional Standards.[1]		
Lot area, minimum	10,000 s.f.[2]	
Lot width, minimum	50 ft.[2]	
Density, maximum	4 du/ac	
Gross floor area, maximum	15,000 s.f.	
Lot coverage, maximum	60%	
Structure height, maximum	35 ft.	
Front yard depth, minimum — Along major arterials, excluding limited access roads	75 ft.[3, 4]	
Front yard depth, minimum — Along minor arterials	50 ft.[3, 5]	
Front yard depth, minimum — Along rural collector roads	35 ft.[6]	
Front yard depth, minimum — Lots abutting internal/local roads	10 ft.[7]	
Side yard depth, minimum	n/a	

Rear yard depth, minimum	10 ft.[3]	
Corner lot yard depth, minimum	10 ft.	
Notes: ft. = feet s.f. = square feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum lot size of 1,800 s.f. and a minimum lot width of 18 ft. 3. Three ft. for accessory uses and structures. 4. Fifty ft. for accessory uses and parking lots. 5. Thirty-five ft. for accessory uses and parking lots. 6. Twenty ft. for accessory uses and parking lots. 7. Ten ft. for accessory uses and parking lots.		
D. Development Standards.		
See development standards in Article VIII (Development Standards).		

Typical Development Configuration



(Ord. No. O-2013-06, 9-16-13; Ord. No. 2014-23, 9-15-14; Ord. No. O-2016-19, 5-23-16)

Sec. 83-231. Permitted uses.

The following uses are allowable as principal uses by right in the VC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Greenhouse, nursery, and floriculture production;

(2) Dwelling, live/work;

(3) Dwelling, upper-story;

(4) Telecommunications facility, collocated;

(5) Community center;

(6) Library;

(7) Adult day care center;

(8) Child day care center;

(9) Private school;

(10) Public school;

(11) Vocational or trade school;

(12) Courthouse facility;

(13) Fire or EMS station;

(14) Government administrative offices;

(15) Government maintenance, storage, or distribution facility;

(16) Law enforcement facility;

(17) Post office;

(18) Massage clinic;

(19) Medical or dental clinic;

(20) Medical or dental lab;

(21) Community garden;

(22) Park or greenway;

(23) Club or lodge;

(24) Surface transportation passenger station/terminal;

(25) Utility use, minor;

(26) Animal grooming;

(27) Veterinary clinic;

(28) Business service establishment;

(29) Bar or lounge;

(30) Brewpub;

(31) Artisan food and beverage production;

(32) Micro-distillery;

(33) Restaurant without drive-through service;

(34) Specialty eating or drinking establishment;

(35) Professional offices;

(36) Other office facility;

(37) Motion picture theater;

(38) Recreation facility, commercial indoor;

(39) Recreation facility, nonprofit;

(40) Recreation facility, public;

(41) Antique store;

(42) Art gallery;

(43) Art, crafts, music, dance, photography, or martial arts studio/school;

(44) Bank or financial institution without drive-through service;

(45) Convenience store;

(46) Drugstore or pharmacy without drive-through service;

(47) Farmers' market;

(48) Funeral home;

(49) Grocery store;

(50) Liquor store;

(51) Personal services establishment;

(52) Taxidermy shop;

(53) Other retail sales establishment;

(54) Hotel or motel;

(55) Recycling drop-off center;

(56) Medical treatment facility.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2016-45, 9-26-16; Ord. No. O-2017-25, 9-25-17; Ord. No. O-2018-06, 8-27-18; Ord. No. O-2021-13, 6-28-21)

Sec. 83-232. Conditional uses.

The following uses are allowable as principal uses in the VC District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Dwelling, duplex;

(2) Dwelling, multifamily;

(3) Dwelling, three- or four-family;

(4) Dwelling, townhouse;

(5) Assisted living facility;

(6) Continuing care retirement community;

(7) Hospice facility;

(8) Telecommunications tower;

(9) Museum;

(10) Hospital;

(11) Nursing home;

(12) Cemetery;

(13) Public square or plaza;

(14) Halfway house;

(15) Homeless shelter;

(16) Place of worship;

(17) Shelter for victims of domestic abuse;

(18) Utility use, major;

(19) Parking lot or parking structure (as a principal use).

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2016-45, 9-26-16; Ord. No. O-2018-06, 8-27-18)

Sec. 83-233. Accessory uses.

The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the VC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Amateur radio antenna;

(2) Automatic teller machine (ATM);

(3) Bed and breakfast inn;

(4) Canopy, nonresidential drive-through;

(5) Clubhouse;

(6) Crematories (as accessory to P funeral home);

(7) Electric vehicle (EV) level 1 or 2 charging station;

(8) Electric vehicle (EV) level 3 charging station;

(9) Family day care home;

(10) Fuel oil or bottled gas distribution or storage, limited;

(11) Home garden;

(12) Home occupation;

(13) Office (as accessory to P multifamily dwelling or commercial use);

(14) Open space, park, playground, or recreational facility;

(15) Outdoor display and sale of merchandise;

(16) Outdoor storage (as an accessory use);

(17) Rainwater cistern;

(18) Residential care facility;

(19) Private recycling bins;

(20) Satellite dish;

(21) Small wind energy system;

(22) Solar energy collection system;

(23) Swimming pool, spa, or hot tub;

(24) Television or radio antenna.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-234. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the VC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Model sales home/unit;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the VC District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmer's market (as a temporary use);

(3) Outdoor seasonal sales;

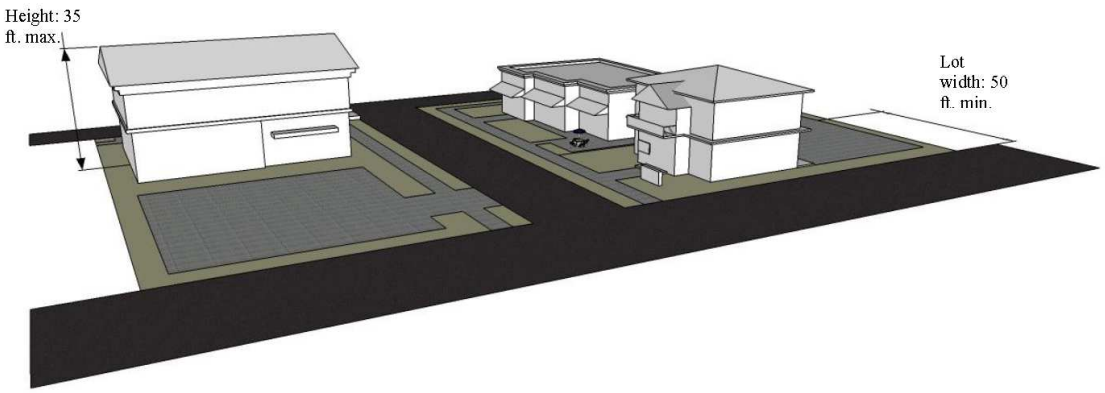
(4) Temporary business (other than outdoor seasonal sales).

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-235. Courthouse Square Center (CHSC) District.

A. Purpose.		Typical Development Form
The purpose of the Courthouse Square Center (CHSC) District is to accommodate pedestrian-friendly, mixed-use development within, and in close proximity to, the Powhatan Courthouse Historic District (listed on the National Register of Historic Places). Specifically, the district is intended to accommodate a mix of institutional uses, especially those related to governmental administration, as well other institutional and commercial uses related to county governmental functions (e.g., community service facilities, professional offices of lawyers and surveyors) or to serving employees of and visitors to the district's primary uses (e.g., restaurants, business support uses). The district also accommodates townhouse and small-scale multifamily residential development.		
B. Use Standards.		
See use-specific standards in Article VII (Use Standards).		
C. Intensity and Dimensional Standards.[1]		
Lot area, minimum	4,000 s.f.	
Lot width, minimum	50 ft.	
Density, maximum	8 du/ac	
Lot coverage, maximum	n/a	
Structure height, maximum	35 ft.	
Front yard depth, minimum	n/a	
Side yard depth, minimum	n/a	
Rear yard depth, minimum	n/a	**Typical Lot Layout**
Notes: ac = acre(s) ft. = feet s.f. = square feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations).		
D. Development Standards.		
See development standards in Article VIII (Development Standards).		

Typical Development Configuration



(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2020-17, 11-23-20)

Editor's note—Formerly § 83-390.

Sec. 83-236. Permitted uses.

The following uses are allowable as principal uses by right in the CHSC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Dwelling, live/work;

(2) Dwelling, single-family detached;

(3) Dwelling, duplex;

(4) Dwelling, three- or four-family;

(5) Dwelling, townhouse;

(6) Dwelling, upper-story;

(7) Telecommunications facility, collocated;

(8) Community center;

(9) Library;

(10) Adult day care center;

(11) Child day care center;

(12) Private school;

(13) Public school;

(14) Courthouse facility;

(15) Fire or EMS station;

(16) Government administrative offices;

(17) Government maintenance, storage, or distribution facility;

(18) Law enforcement facility;

(19) Post office;

(20) Massage clinic;

(21) Medical or dental clinic;

(22) Medical or dental lab;

(23) Nursing home;

(24) Community garden;

(25) Park or greenway;

(26) Club or lodge;

(27) Utility use, minor;

(28) Animal grooming;

(29) Veterinary clinic;

(30) Business service establishment;

(31) Brewpub;

(32) Artisan food and beverage production;

(33) Micro-brewery;

(34) Micro-distillery;

(35) Restaurant without drive-through service;

(36) Specialty eating or drinking establishment;

(37) Contractor's office;

(38) Professional offices;

(39) Antique store;

(40) Art gallery;

(41) Art, crafts, music, dance, photography, or martial arts studio/school;

(42) Bank or financial institution with drive-through service;

(43) Bank or financial institution without drive-through service;

(44) Drugstore or pharmacy without drive-through service;

(45) Farmers' market;

(46) Lawn care, pool, or pest control service;

(47) Liquor store;

(48) Personal services establishment;

(49) Taxidermy shop;

(50) Recycling drop-off center;

(51) Other retail sales establishment.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2018-06, 8-27-18; Ord. No. O-2020-17, 11-23-20; Ord. No. O-2021-13, 6-28-21; Ord. No. O-2023-03, 3-27-23)

Editor's note—Formerly § 83-391.

Sec. 83-237. Conditional uses.

The following uses are allowable as principal uses in the CHSC District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Telecommunications tower;

(2) Museum;

(3) Medical treatment facility;

(4) Cemetery;

(5) Public square or plaza;

(6) Halfway house;

(7) Homeless shelter;

(8) Place of worship;

(9) Shelter for victims of domestic abuse;

(10) Utility use, major;

(11) Hotel or motel;

(12) Conference or training center;

(13) Auditorium or stage theater;

(14) Tattoo or body piercing establishment;

(15) Assisted living facility.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2018-06, 8-27-18; Ord. No. O-2020-17, 11-23-20)

Editor's note—Formerly § 83-392.

Sec. 83-238. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the CHSC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Amateur radio antenna;

(3) Automatic teller machine (ATM);

(4) Bed and breakfast inn;

(5) Canopy, nonresidential drive-through;

(6) Clubhouse;

(7) Electric vehicle (EV) level 1 or 2 charging station;

(8) Family day care home;

(9) Fuel oil or bottled gas distribution or storage, limited;

(10) Home garden;

(11) Home occupation;

(12) Open space, park, playground, or recreational facility;

(13) Outdoor display and sale of merchandise;

(14) Outdoor storage (as an accessory use);

(15) Private recycling bins;

(16) Rainwater cistern;

(17) Residential care facility;

(18) Satellite dish;

(19) Solar energy collection system;

(20) Swimming pool, spa, or hot tub;

(21) Television or radio antenna;

(22) Other retail sales establishment.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2020-17, 11-23-20; Ord. No. O-2023-03, 3-27-23)

Editor's note—Formerly § 83-393.

Sec. 83-239. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the CHSC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage and yard sale;

(2) Post-disaster temporary dwelling;

(3) Temporary construction-related structure or facility.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the CHSC District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmers' market (as a temporary use);

(3) Temporary business (other than outdoor seasonal sales).

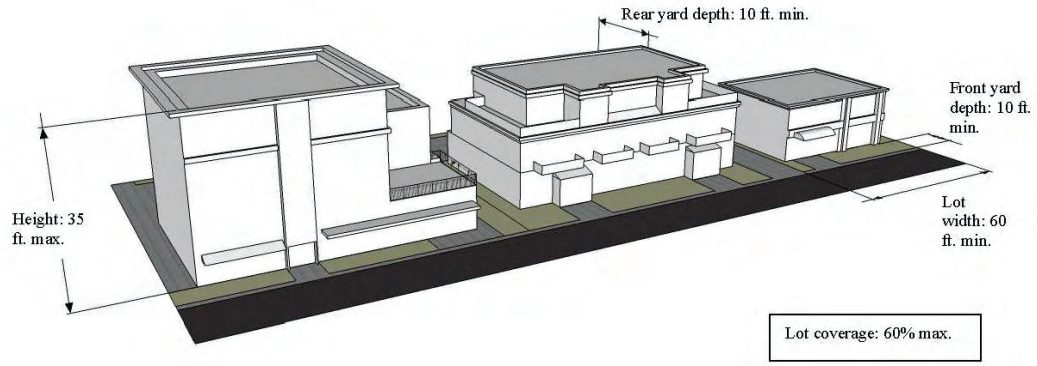
(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2020-17, 11-23-20)

Editor's note—Formerly § 83-394.

Sec. 83-240. Commerce Center (CC) District.

A. Purpose.			Typical Development Form
The purpose of the Commerce Center (CC) District is to accommodate a wide range of retail, service, office, and institutional uses that provide goods and services serving the residents and businesses in the community at large (e.g., most retail sales and services uses, small- to medium-sized shopping centers, restaurants, office buildings, recreational and entertainment uses, hotels, places of worship, medical clinics). The district is also intended to accommodate low-impact light industrial uses. Design standards are intended to ensure uses and development are pedestrian-friendly and relate to the street, and are compatible with surrounding development.			
B. Use Standards.			
See use specific standards in Article VII (Use Standards).			
C. Intensity and Dimensional Standards.[1]			
Lot area, minimum		10,000 s.f.	
Lot width, minimum		60 ft.	
Density, maximum		n/a	
Lot coverage, maximum		60%	
Gross floor area, maximum		n/a	
Structure height, maximum		35 ft.	**Typical Lot Layout**
Front yard depth, minimum	Along major arterials, excluding limited access roads	75 ft.[3]	
	Along minor arterial	50 ft.[4]	
	Along rural collector roads	35 ft.[5]	
	Lots abutting internal/local roads	10 ft.[6]	
Side yard depth, minimum		n/a	
Rear yard depth, minimum		10 ft.[2]	
Corner lot yard depth, minimum		10 ft.	
Notes: ac = acre(s) ft. = feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. Three ft. for accessory uses and structures. 3. Fifty ft. for accessory uses and parking lots. 4. Thirty-five ft. for accessory uses and parking lots. 5. Twenty ft. for accessory uses and parking lots. 6. Ten ft. for accessory uses and parking lots.			
D. Development Standards.			
See development standards in Article VIII (Development Standards).			

Typical Development Configuration



(Ord. No. O-2013-06, 9-16-13; Ord. No. 2014-23, 9-15-14; Ord. No. O-2016-19, 5-23-16)

Sec. 83-241. Permitted uses.

The following uses are allowable as principal uses by right in the CC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Forestry and logging;

(2) Greenhouse, nursery, and floriculture production;

(3) Dwelling, live/work;

(4) Assisted living facility;

(5) Hospice facility;

(6) Telecommunications facility, collocated;

(7) Community center;

(8) Library;

(9) Museum;

(10) Adult day care center;

(11) Child day care center;

(12) Private school;

(13) Vocational or trade school;

(14) Courthouse facility;

(15) Government administrative offices;

(16) Government maintenance, storage, or distribution facility;

(17) Law enforcement facility;

(18) Post office;

(19) Massage clinic;

(20) Medical or dental clinic;

(21) Medical or dental lab;

(22) Medical treatment facility;

(23) Community garden;

(24) Park or greenway;

(25) Club or lodge;

(26) Place of worship;

(27) Surface transportation passenger station/terminal;

(28) Utility use, minor;

(29) Animal grooming;

(30) Veterinary clinic;

(31) Business service establishment;

(32) Bar or lounge;

(33) Brewpub;

(34) Micro-distillery;

(35) Nightclub;

(36) Restaurant with drive-through service;

(37) Restaurant without drive-through service;

(38) Specialty eating or drinking establishment;

(39) Contractor's office;

(40) Professional offices;

(41) Other office facility;

(42) Auditorium or stage theater;

(43) Motion picture theater;

(44) Recreation facility, commercial indoor;

(45) Recreation facility, nonprofit;

(46) Recreation facility, public;

(47) Antique store;

(48) Art gallery;

(49) Arts, crafts, music, dance, photography, or martial arts studio/school;

(50) Auction facility;

(51) Bank or financial institution with drive-through service;

(52) Bank or financial institution without drive-through service;

(53) Check cashing establishment;

(54) Convenience store;

(55) Drugstore or pharmacy with drive-through service;

(56) Drugstore or pharmacy without drive-through service;

(57) Farmers' market;

(58) Funeral home;

(59) Grocery store;

(60) Large retail sales establishment;

(61) Lawn care, pool, or pest control service;

(62) Liquor store;

(63) Personal services establishment;

(64) Shopping center;

(65) Tattoo or body piercing establishment;

(66) Taxidermy shop;

(67) Other retail sales establishment;

(68) Automotive painting or body shop;

(69) Automotive repair and servicing;

(70) Automotive wrecker service;

(71) Car wash or auto detailing;

(72) Gas station;

(73) Parking lot or parking structure (as a principal use);

(74) Taxi or limousine service facility;

(75) Tire sales and mounting;

(76) Vehicle/equipment sales or rental;

(77) Hotel or motel;

(78) Convenience center, county;

(79) Recycling drop-off center;

(80) Conference or training center;

(81) Fire or EMS station;

(82) Shed sales, outdoor;

(83) Artisan food and beverage production.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2016-46, 9-26-16; Ord. No. O-2017-25, 9-25-17; Ord. No. O-2018-06, 8-27-18; Ord. No. O-2019-05, 1-28-19; Ord. No. O-2021-13, 6-28-21)

Sec. 83-242. Conditional uses.

The following uses are allowable as principal uses in the CC District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Telecommunications tower;

(2) College or university;

(3) Hospital;

(4) Cemetery;

(5) Public square or plaza;

(6) Civic center;

(7) Utility use, major;

(8) Adult book or video store;

(9) Adult motion picture theater;

(10) Animal shelter;

(11) Pound;

(12) Kennel, commercial;

(13) Arena, stadium, or amphitheater;

(14) Country club;

(15) Marina, commercial;

(16) Recreation facility, commercial outdoor;

(17) Flea market;

(18) Self-service storage facility;

(19) Truck hauler business;

(20) Commercial landscape operation;

(21) Manufacturing, assembly, or fabrication, light;

(22) Wood and stump recycling business;

(23) Contractor's storage yard.

(Ord. No. O-2013-06, 9-16-13; Ord. No. 2016-46, 9-26-16; Ord. No. O-2018-06, 8-27-18; Ord. No. O-2022-26, 6-27-22; Ord. No. O-2022-27, 6-27-22)

Sec. 83-243. Accessory uses.

The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the CC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Amateur radio antenna;

(2) Automatic teller machine (ATM);

(3) Canopy, nonresidential drive-through;

(4) Clubhouse;

(5) Crematories (as accessory to P funeral home);

(6) Electric vehicle (EV) level 1 or 2 charging station;

(7) Electric vehicle (EV) level 3 charging station;

(8) Family day care home;

(9) Fuel oil or bottled gas distribution or storage, limited;

(10) Home garden;

(11) Office (as accessory to P multifamily dwelling or commercial use);

(12) Open space, park, playground, or recreational facility;

(13) Outdoor display and sale of merchandise;

(14) Outdoor storage (as an accessory use);

(15) Parking or storage of large vehicles;

(16) Rainwater cistern;

(17) Residential care facility;

(18) Private recycling bins;

(19) Satellite dish;

(20) Small wind energy system;

(21) Solar energy collection system;

(22) Swimming pool, spa, or hot tub;

(23) Television or radio antenna.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-244. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the CC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Model sales home/unit;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the CC District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmer's market (as a temporary use);

(3) Outdoor seasonal sales;

(4) Temporary business (other than outdoor seasonal sales).

(Ord. No. O-2013-06, 9-16-13)

Secs. 83-245—83-249. Reserved.

Sec. 83-250. Light Industrial (I-1) District.

A. Purpose.		**Typical Development Form**
The purpose of the Light Industrial (I-1) District is to accommodate light industrial uses that are small-scale or generally can be operated with minimal adverse impacts on the environment and surrounding uses (e.g., from dust, fumes, smoke, odors, noise, or vibration, or due to exterior movement of vehicle, materials, and goods). Such light industrial uses include limited manufacturing, assembly, fabrication, processing, and research and development uses, as well as functionally related distribution, warehousing, and industrial service uses. The district also accommodates limited small-scale commercial uses (e.g., flex buildings and ancillary commercial uses serving district businesses and their employees), as well as vehicle service uses and other commercial uses that may be incompatible in other districts (e.g., commercial kennels). District development is intended to include roadways designed to accommodate delivery and distribution truck traffic generated by industrial and commercial uses, and to provide buffers from surrounding neighborhoods to the extent needed to mitigate potential impacts.		
B. Use Standards.		
See use specific standards in Article VII (Use Standards).		
C. Intensity and Dimensional Standards.[1]		
Lot area, minimum	n/a	
Lot width, minimum	n/a	**Typical Lot Layout**

Density, maximum		n/a
Lot coverage, maximum		50%
Structure height, maximum		45 ft.[2]
Front yard depth, minimum	Lots fronting on Rt. 60	75 ft.[3, 4]
	Abutting all districts	25 ft.[3, 4]
Side yard depth and rear yard depth, minimum		25 ft.[4]

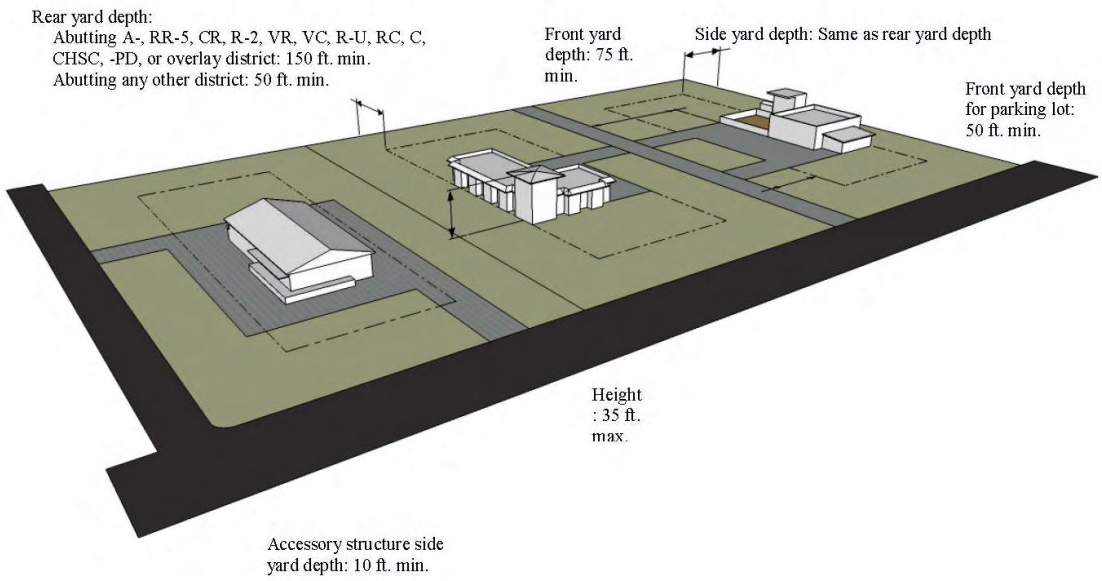


Notes: ac = acre(s) ft. = feet
1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations).
2. Maximum structure height may exceed 45 feet with approval of a conditional use permit.
3. Fifty ft. for accessory uses and structures and parking lots.
4. Shared parking and drive aisles may be located within setbacks, side yards, or rear yards.

D. Development Standards.

See development standards in Article VIII (Development Standards).

Typical Development Configuration



(Ord. No. O-2013-14, 2-3-14; Ord. No. O-2015-12, 6-1-15; Ord. No. O-2018-23, 8-27-18)

Sec. 83-251. Permitted uses.

The following uses are allowable as principal uses by right in the I-1 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Forestry and logging;

(2) Greenhouse, nursery, and floriculture production;

(3) Newspaper or magazine publishing;

(4) Radio or television broadcast studio;

(5) Telecommunications facility, collocated;

(6) Vocational or trade school;

(7) Fire or EMS station;

(8) Fire training facility;

(9) Government maintenance, storage, or distribution facility;

(10) Law enforcement facility;

(11) Massage clinic;

(12) Medical or dental clinic;

(13) Medical or dental lab;

(14) Park or greenway;

(15) Helicopter landing facility;

(16) Surface transportation passenger station/terminal;

(17) Utility use, major;

(18) Utility use, minor;

(19) Animal grooming;

(20) Veterinary clinic;

(21) Conference or training center;

(22) Data center;

(23) Brewpub;

(24) Restaurant without drive-through service;

(25) Specialty eating or drinking establishment;

(26) Contractor's office;

(27) Professional offices;

(28) Marina, commercial;

(29) Recreation facility, commercial indoor;

(30) Recreation facility, commercial outdoor;

(31) Recreation facility, nonprofit;

(32) Recreation facility, public;

(33) Auction facility;

(34) Convenience store;

(35) Lawn care, pool, or pest control service;

(36) Self-service storage facility;

(37) Automotive painting or body shop;

(38) Automotive repair and servicing;

(39) Automotive wrecker service;

(40) Gas station;

(41) Parking lot or parking structure (as a principal use);

(42) Taxi or limousine service facility;

(43) Tire sales and mounting;

(44) Commercial landscape operation;

(45) Educational, scientific, or industrial research and development;

(46) Commercial industrial services;

(47) General industrial services;

(48) Heavy equipment repair and servicing;

(49) Heavy equipment sales, rental, or storage;

(50) Metal-working, welding, pipe fitting, or woodworking;

(51) Moving and storage establishment;

(52) Printing or other similar reproduction facility;

(53) Woodworking;

(54) Bottling plant;

(55) Brewery or distillery;

(56) Manufacturing, assembly, or fabrication, light;

(57) Artisan food and beverage production;

(58) Micro-brewery or micro-distillery;

(59) Winery;

(60) Outdoor storage (as a principal use);

(61) Truck or freight terminal;

(62) Warehouse, distribution or storage;

(63) Convenience center, county;

(64) Recycling drop-off center;

(65) Wholesale trade establishment;

(66) Shed sales, outdoors;

(67) Wood and stump recycling business;

(68) Contractor's storage yard.

(Ord. No. O-2013-14, 2-3-14; Ord. No. O-2019-05, 1-28-19; Ord. No. O-2021-13, 6-28-21; Ord. No. O-2022-26, 6-27-22; Ord. No. O-2022-27, 6-27-22)

Sec. 83-252. Conditional uses.

The following uses are allowable as principal uses in the I-1 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Sawmill, commercial;

(2) Telecommunications tower;

(3) Civic center;

(4) Place of worship;

(5) Animal shelter/pound;

(6) Kennel, commercial;

(7) Business service establishment;

(8) Amusement park;

(9) Motorsports park;

(10) Shooting range, commercial;

(11) Truck stop;

(12) Truck hauler business;

(13) Fuel oil or bottled gas distribution or storage;

(14) Manufacturing, assembly, or fabrication, heavy;

(15) Junkyard/salvage yard;

(16) Child day care center;

(17) Minor meat processing;

(18) Solar energy farm.

(Ord. No. O-2013-14, 2-3-14; Ord. No. O-2022-20, 5-23-22; Ord. No. O-2023-28, § 1, 12-18-23; Ord. No. O-2023-27, § 3, 7-22-24)

Sec. 83-253. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the I-1 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Amateur radio antenna;

(2) Automatic teller machine (ATM);

(3) Canopy, nonresidential drive-through;

(4) Crematories (as accessory to permitted funeral home);

(5) Electric vehicle (EV) level 1 or 2 charging station;

(6) Electric vehicle (EV) level 3 charging station;

(7) Fuel oil or bottled gas distribution or storage, limited;

(8) Open space, park, playground, or recreational facility;

(9) Outdoor display and sale of merchandise;

(10) Outdoor storage (as an accessory use);

(11) Parking or storage of large vehicles (see section 83-438(r));

(12) Rainwater cistern;

(13) Private recycling bins;

(14) Satellite dish;

(15) Small wind energy system;

(16) Solar energy collection system;

(17) Television or radio antenna.

(Ord. No. O-2013-14, 2-3-14)

Sec. 83-254. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the I-1 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage and yard sale;

(2) Portable sawmill;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the I-1 District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

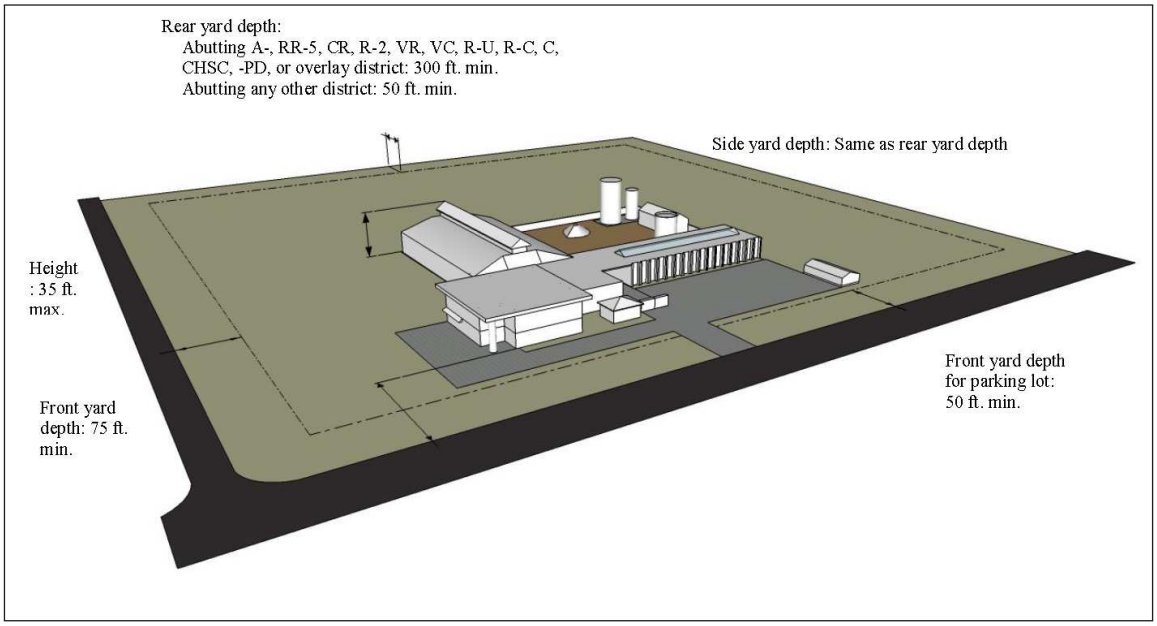
(2) Outdoor seasonal sales.

(Ord. No. O-2013-14, 2-3-14)

Secs. 83-255—83-259. Reserved.

Sec. 83-260. Heavy Industrial (I-2) District.

<table>
<tr><td colspan="3">A. Purpose.</td><td>Typical Development Form</td></tr>
<tr><td colspan="3">The purpose of the Heavy Industrial (I-2) District is to accommodate heavy industrial uses that are large-scale or generally involve greater potential for adverse off-site impacts on the environment and surrounding development (e.g., from dust, fumes, smoke, odors, noise, or vibration, or due to exterior movement of vehicle, materials, and goods). Allowable development includes heavy manufacturing, assembly, fabrication, processing, and research and development uses, as well as functionally related distribution, warehousing, and industrial service uses. The district may also include vehicle service uses and other commercial uses that may be incompatible in other districts (e.g., commercial kennels), as well as ancillary commercial uses serving district businesses and their employees. District standards are intended to encourage the reuse of existing industrial development. District development is intended to include roadways designed to accommodate delivery and distribution truck traffic generated by industrial uses, and to provide buffers from surrounding neighborhoods to the extent needed to mitigate potential impacts.</td><td></td></tr>
<tr><td colspan="3">B. Use Standards.</td><td rowspan="8"></td></tr>
<tr><td colspan="3">See use specific standards in Article VII (Use Standards).</td></tr>
<tr><td colspan="3">C. Intensity and Dimensional Standards.[1]</td></tr>
<tr><td colspan="2">Lot area, minimum</td><td>n/a</td></tr>
<tr><td colspan="2">Lot width, minimum</td><td>n/a</td></tr>
<tr><td colspan="2">Density, maximum</td><td>n/a</td></tr>
<tr><td colspan="2">Lot coverage, maximum</td><td>50%</td></tr>
<tr><td colspan="2">Structure height, maximum</td><td>45 ft.[2]</td></tr>
<tr><td rowspan="2">Front yard depth, minimum</td><td>Lots fronting on Rt. 60</td><td>75 ft.[3]</td></tr>
<tr><td>Abutting all districts</td><td>25 ft.[3]</td></tr>
<tr><td colspan="2">Side yard depth and rear yard depth, minimum</td><td>25 ft.</td><td rowspan="2"></td></tr>
<tr><td colspan="3">Notes: ac = acre(s) ft. = feet
1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations).
2. Maximum structure height may exceed 45 feet with approval of a conditional use permit.
3. Fifty ft. for accessory uses and structures and parking lots.</td></tr>
<tr><td colspan="3">D. Development Standards.</td><td rowspan="2"></td></tr>
<tr><td colspan="3">See development standards Article VIII (Development Standards).</td></tr>
<tr><td colspan="4">Typical Development Configuration</td></tr>
</table>



(Ord. No. O-2013-14, 2-3-14; Ord. No. O-2015-12, 6-1-15; Ord. No. O-2018-23, 8-27-18)

Sec. 83-261. Permitted uses.

The following uses are allowable as principal uses by right in the I-2 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Forestry and logging;

(2) Sawmill, commercial;

(3) Newspaper or magazine publishing;

(4) Radio or television broadcast studio;

(5) Telecommunications facility, collocated;

(6) Telecommunications tower;

(7) Vocational or trade school;

(8) Fire or EMS station;

(9) Fire training facility;

(10) Government maintenance, storage, or distribution facility;

(11) Law enforcement facility;

(12) Park or greenway;

(13) Helicopter landing facility;

(14) Surface transportation passenger station/terminal;

(15) Utility use, major;

(16) Utility use, minor;

(17) Data center;

(18) Contractor's office;

(19) Professional offices;

(20) Marina, commercial;

(21) Recreation facility, commercial indoor;

(22) Recreation facility, commercial outdoor;

(23) Recreation facility, nonprofit;

(24) Recreation facility, public;

(25) Automotive painting or body shop;

(26) Automotive repair and servicing;

(27) Automotive wrecker service;

(28) Gas station;

(29) Parking lot or parking structure (as a principal use);

(30) Tire sales and mounting;

(31) Commercial landscape operation;

(32) Educational, scientific, or industrial research and development;

(33) Commercial industrial services;

(34) General industrial services;

(35) Heavy equipment repair and servicing;

(36) Heavy equipment sales, rental, or storage;

(37) Metal-working, welding, pipe fitting, or woodworking;

(38) Moving and storage establishment;

(39) Printing or other similar reproduction facility;

(40) Woodworking;

(41) Asphalt or concrete plant;

(42) Bottling plant;

(43) Brewery or distillery;

(44) Manufacturing, assembly, or fabrication, heavy;

(45) Manufacturing, assembly, or fabrication, light;

(46) Artisan food and beverage production;

(47) Micro-brewery or micro-distillery;

(48) Winery;

(49) Outdoor storage (as a principal use);

(50) Truck or freight terminal;

(51) Warehouse, distribution or storage;

(52) Convenience center, county;

(53) Junkyard/salvage yard;

(54) Resource recovery facility;

(55) Recycling drop-off center;

(56) Wholesale trade establishment;

(57) Wood and stump recycling business;

(58) Contractor's storage yard.

(Ord. No. O-2013-14, 2-3-14; Ord. No. O-2021-13, 6-28-21; Ord. No. O-2022-26, 6-27-22; Ord. No. O-2022-27, 6-27-22)

Sec. 83-262. Conditional uses.

The following uses are allowable as principal uses in the I-2 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Livestock market;

(2) Solar energy farm;

(3) Animal shelter/pound;

(4) Kennel, commercial;

(5) Business service establishment;

(6) Amusement park;

(7) Motorsports park;

(8) Shooting range, commercial;

(9) Truck stop;

(10) Truck hauler business;

(11) Fuel oil or bottled gas distribution or storage;

(12) Abattoir;

(13) Hazardous material collection site;

(14) Land clearing debris disposal facility;

(15) Minor meat processing.

(Ord. No. O-2013-14, 2-3-14; Ord. No. O-2023-28, § 1, 12-18-23)

Sec. 83-263. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the I-2 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Amateur radio antenna;

(2) Automatic teller machine (ATM);

(3) Canopy, nonresidential drive-through;

(4) Electric vehicle (EV) level 1 or 2 charging station;

(5) Electric vehicle (EV) level 3 charging station;

(6) Fuel oil or bottled gas distribution or storage, limited;

(7) Open space, park, playground, or recreational facility;

(8) Outdoor display and sale of merchandise;

(9) Outdoor storage (as an accessory use);

(10) Parking or storage of large vehicles (see section 83-438(r));

(11) Rainwater cistern;

(12) Private recycling bins;

(13) Satellite dish;

(14) Small wind energy system;

(15) Solar energy collection system;

(16) Television or radio antenna.

(Ord. No. O-2013-14, 2-3-14)

Sec. 83-264. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the I-2 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Portable sawmill;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility.

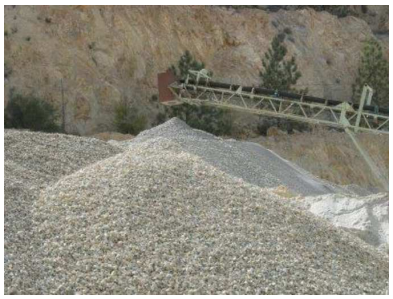
(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the I-2 District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

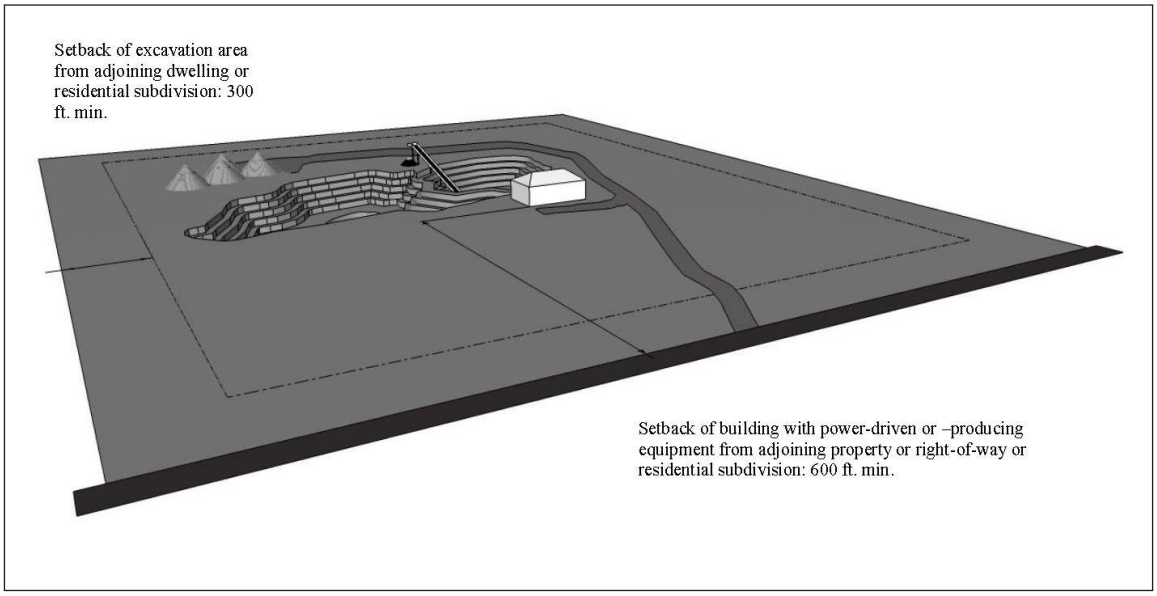
(1) Estate sale/auction.

(Ord. No. O-2013-14, 2-3-14)

Secs. 83-265—83-269. Reserved.

Sec. 83-270. Mining and mineral extraction (M) District.

<table>
<tr><th colspan="2">A. Purpose.</th><th>Typical Development Form</th></tr>
<tr><td colspan="2">The purpose of the Mining and Mineral Extraction (M) District is to accommodate surface and subsurface extraction of building or landscaping materials (e.g., stone, gravel, sand, topsoil), mineral solids (e.g., coal, ores, gems), mineral liquids (e.g., crude petroleum), or gases (e.g., natural gas) from the earth. The district also accommodates uses involving the basic preparation (e.g., separation, washing, grinding) of extracted materials for transport or further processing or use. Standards for each M District are intended to be established by a master plan approved as part of the rezoning process.</td><td rowspan="3"></td></tr>
<tr><td colspan="2">B. Use Standards.</td></tr>
<tr><td colspan="2">See use specific standards in Article VII (Use Standards).</td></tr>
<tr><td colspan="2">C. Intensity and Dimensional Standards.</td><td rowspan="5"></td></tr>
<tr><td>Setback for any excavation area from any adjoining dwelling or residential subdivision.</td><td>300 ft.</td></tr>
<tr><td>Setback for any building containing power-driven or power producing equipment from any adjoining property or right-of-way.</td><td>600 ft.</td></tr>
<tr><td colspan="2">Notes: ft. = feet</td></tr>
<tr><td colspan="2">D. Development Standards.</td></tr>
<tr><td colspan="2">See development standards in Article VIII (Development Standards).</td><td></td></tr>
<tr><td colspan="3">Typical Development Configuration</td></tr>
</table>



(e) **Supplemental application requirements.** An application for a zoning map amendment (rezoning) to classify land as part of a mining and mineral extraction district shall include:

(1) A detailed master plan that shows the proposed site and all existing and proposed physical improvements, including berms and buffers, but excluding public utility facilities.

(2) A plan of operation that provides for the adequate safeguarding and protection of other nearby interests and public health, safety, and welfare and includes a satisfactory plan and program for restoring the site to a safe and usable condition, so as to reduce the peaks and depressions, minimize erosion due to rainfall, and be in substantial conformity to the land area immediately surrounding it.

(Ord. No. O-2013-14, 2-3-14)

Sec. 83-271. Permitted uses.

The following uses are allowable as principal uses by right in the M District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Forestry and logging;

(2) Telecommunications facility, collocated;

(3) Utility use, minor;

(4) Quarry or soil excavation;

(5) Oil or gas extraction;

(6) Other surface mining.

(Ord. No. O-2013-14, 2-3-14)

Sec. 83-272. Conditional uses.

The following uses are allowable as principal uses in the M District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Telecommunications tower.

(Ord. No. O-2013-14, 2-3-14)

Sec. 83-273. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the M District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Amateur radio antenna;

(2) Canopy, nonresidential drive-through;

(3) Electric vehicle (EV) level 1 or 2 charging station;

(4) Fuel oil or bottled gas distribution or storage, limited;

(5) Outdoor storage (as an accessory use);

(6) Parking or storage of large vehicles (see section 83-438(r));

(7) Rainwater cistern;

(8) Satellite dish;

(9) Small wind energy system;

(10) Solar energy collection system;

(11) Television or radio antenna.

(Ord. No. O-2013-14, 2-3-14)

Sec. 83-274. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the M District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Post-disaster temporary dwelling;

(3) Temporary construction-related structure or facility.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the M District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction.

(Ord. No. O-2013-14, 2-3-14)

Secs. 83-275—83-279. Reserved.

DIVISION 2. VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS

Sec. 83-280. General purpose.

A planned development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher quality development than could be achieved through base zoning district regulations. The purpose of this division is to provide a uniform means for amending the official zoning district map to establish any of the three planned development (PD) zoning districts allowed by this chapter: the VR-PD village residential planned development; the VC-PD village center planned development; and the CC-PD commerce center planned development.

The village growth area planned development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other county goals and objectives by:

(1) Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;

(2) Allowing greater freedom in selecting the means of providing access, open space, and design amenities;

(3) Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;

(4) Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and

(5) Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, surface waters, floodplains, and historic features.

Nothing herein shall be deemed to allow dump heaps, as defined herein, therefore keeping or maintaining a dump heap shall be prohibited on property in all village growth area planned development districts.
(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2019-15, 3-25-19)

Sec. 83-281. Classification of planned development zoning districts.

Land shall be classified into a planned development zoning district only in accordance with the procedures and requirements set forth in Article II (Administration) and this chapter. (Ord. No. O-2013-06, 9-16-13)

Sec. 83-282. General standards for all planned development districts.

(a) *PD plan.* The PD plan shall:

(1) Include a statement of planning and marketing objectives for the district;

(2) Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;

(3) Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type and number of bedrooms), nonresidential floor area (by use type), residential density, and nonresidential intensity;

(4) Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;

(5) Identify the location of environmentally sensitive lands, wildlife habitat, and waterway corridors;

(6) Identify the on-site transportation circulation system, including the general location of all public streets and private roads, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned county and state systems;

(7) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to county systems;

(8) Identify the general location of on-site stormwater management facilities, and how they will connect to county systems;

(9) Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management; and

(10) Include a development phasing plan in accordance with section 83-282(d), development phasing plan if phasing of PD development is proposed.

(b) *Consistency with county plans.* The PD Zoning District designation, the PD plan, and the PD terms and conditions shall be consistent with the comprehensive plan and any functional plans and small area plans adopted by the county.

(c) *Compatibility with surrounding areas.* Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determi-

nation of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.

(d) *Development phasing plan.* If development in the PD district is proposed to be phased, the PD plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the county's capital improvements program.

(e) *Conversion schedule.* The PD plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use and one type of nonresidential use may be converted to another type of nonresidential use. Such conversions may occur within development areas and between development areas as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

(f) *On-site public facilities.*

(1) Design and construction. The PD plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable county, state, and federal regulations.

(2) Dedication. The PD plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable county, state, and federal regulations.

(3) Modifications to street standards. In approving a PD plan, the board of supervisors may approve modifications or reductions of private road design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:

a. The PD plan provides for separation of vehicular, pedestrian, and bicycle traffic;

b. Access for emergency service vehicles is not substantially impaired;

c. Adequate off-street parking is provided for the uses proposed; and

d. Adequate space for public utilities is provided within the street right-of-way.

(g) *PD terms and conditions.* The PD terms and conditions shall include, but not be limited to:

(1) Conditions related to approval of the application for the PD Zoning District classification;

(2) The PD plan, including any density/intensity standards, dimensional standards, and development standards established in the PD plan;

(3) Conditions related to the approval of the PD plan, including any conditions related to the form and design of development shown in the PD plan;

(4) Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;

(5) Provisions related to environmental protection and monitoring; and

(6) Any other provisions the board of supervisors determines are relevant and necessary to the development of the PD in accordance with applicable standards and requirements of this chapter.

(h) *Uses.* The principal, accessory, and temporary uses allowed in each type of PD district are identified in the use tables in Article VII: Use Standards. Allowed principal uses in a particular PD district shall be established in the PD plan, subject to conversion in accordance with a schedule incorporated in the PD plan in accordance with section 83-282(e): Conversion schedule. Allowed uses shall be consistent with the comprehensive plan and the purpose of the particular type of PD district, and subject to applicable use-specific standards in Article VII: Use Standards, and any additional limitations or requirements set forth in this division for the particular type of PD district.

(I) *Densities/intensities.* The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD plan, and shall be consistent with the comprehensive plan, other adopted special area and county plans, and the purpose of the particular type of PD district.

(j) *Dimensional standards.* The dimensional standards applicable in each development area of a PD district shall be as established in the PD plan, and shall be consistent with the purpose of the particular type of PD District. The PD plan shall include at least the following types of dimensional standards:

(1) Maximum dwelling units per acre and/or maximum floor area ratio;

(2) Minimum lot area;

(3) Minimum lot width;

(4) Maximum impervious surface area;

(5) Maximum building height;

(6) Maximum individual building size;

(7) Minimum and maximum yard depths or setbacks; and

(8) Minimum buffers and/or setbacks from adjoining residential development or residential zoning districts, from adjacent farm operations, and from environmental features such as watercourses and wetlands.

(k) *Development standards.* All development in a PD district shall comply with the development standards of Article VIII: Development Standards, and Powhatan County Code chapter 68 (Subdivisions), or any modifications of those standards established in the PD plan as consistent with the comprehensive plan and other adopted county plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in this division for the particular type of PD district.
(Ord. No. O-2013-06, 9-16-13)

Sec. 83-283. Amendments to approved PD plan or PD terms and conditions.

Amendments or modifications to a PD plan or PD terms and conditions shall occur in accordance with the procedures for its original approval.

The village growth area planned development districts established by this chapter are:

Village Growth Area Planned Development Districts	
VR-PD	Village Residential Planned Development
VC-PD	Village Center Planned Development
CC-PD	Commerce Center Planned Development

(Ord. No. O-2013-06, 9-16-13)

Secs. 83-284—83-289. Reserved.

Sec. 83-290. Village Residential Planned Development (VR-PD) District.

A. Purpose.
The purpose of the Village Residential Planned Development (VR-PD) District is to provide the planning and design flexibility needed to accommodate and encourage the unified development of walkable residential neighborhoods within those parts of village growth areas that are classified village residential by the comprehensive plan. Specifically, the district is intended to encourage the use of innovative and creative design that will provide diverse housing options (including single-family homes and two- to four-family townhouse and multifamily dwellings), street and pedestrian networks that tie neighborhoods together and to nearby village centers or commerce centers, integrated parks and greenways, high quality urban design with traditional style homes that relate to the street (with detached or side- or rear-loading garages), and a high level of energy efficiency and environmental sensitivity. District development should also be coordinated and timed to ensure the concurrent availability of public infrastructure.
B. Use Standards.
Principal uses allowed in a VR-PD district shall be established in the PD plan. Uses shall be consistent with the comprehensive plan, other county-adopted plans, and the purpose of the VR-PD district, and shall comply with the use and use-specific standards in Article VII: Use Standards.
C. Intensity and dimensional standards.[1]

Density, minimum	0.5 du/ac
Density, maximum	4 du/ac
Floor area ratio (FAR), maximum	To be established in the PD plan—see section 83-282, PD plan
Lot area, minimum (s.f.)	
Lot width, minimum (s.f.)	
Impervious surfaces, maximum (% of district area)	
Individual building size, maximum (s.f.)	
Building height, maximum (ft.)	
Yard depths or setbacks, minimum (ft.)	
Setback from abutting RSF zoning district or existing single-family dwelling use, minimum (ft.)	
Notes: [ac = acres; s.f. = square feet; ft. = feet; du/ac = dwelling units/acre]	

D. Development Standards.

The development standards in Article VIII shall apply to all development in VR-PD districts, but some development standards may be modified as part of the PD plan if consistent with the general purposes of the VR-PD District and the comprehensive plan, and in accordance with the means of modification noted below.

Development Standard	Means of Modifying
Access and circulation	Specify in the PD plan
Off-street parking and loading	Specify in a master parking plan
Landscaping, buffers, screening, and tree protection[1]	Specify in a master landscaping plan
Environmental protection	Modifications prohibited
Open space set-aside[2]	Modifications prohibited
Fences and walls	Specify in a master fencing plan
Exterior lighting	Specify in a master lighting plan
Multifamily residential design	Modifications prohibited
Residential compatibility	
Sustainable design	Specify in the PD plan
Signage	Specify in a master sign plan

Notes:

1. Internal uses shall not be required to provide perimeter buffers.
2. Where the PD district includes nonresidential or mixed-use development, the required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed-use purposes, respectively (see open-space set-asides in Article VIII).

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-291. Permitted uses.

The following uses are allowable as principal uses in the VR-PD District, only if the planned development (PD) plan approved for the district expressly identifies the use type as allowed; and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Forestry and logging;

(2) Dwelling, duplex;

(3) Dwelling, live/work;

(4) Dwelling, multifamily;

(5) Dwelling, single-family detached;

(6) Dwelling, three- or four-family;

(7) Dwelling, townhouse;

(8) Assisted living facility;

(9) Continuing care retirement community;

(10) Hospice facility;

(11) Rooming or boarding house;

(12) Telecommunications facility, collocated;

(13) Fire or EMS station;

(14) Law enforcement facility;

(15) Community garden;

(16) Park or greenway;

(17) Place of worship;

(18) Shelter for victims of domestic abuse;

(19) Surface transportation passenger station/terminal;

(20) Utility use, major;

(21) Utility use, minor;

(22) Recreation facility, nonprofit;

(23) Recreation facility, public;

(24) Recycling drop-off center;

(25) Micro-distillery.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2017-25, 9-25-17)

Sec. 83-292. Accessory uses.

The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the VR-PD District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Amateur radio antenna;

(3) Bed and breakfast inn;

(4) Clubhouse;

(5) Electric vehicle (EV) level 1 or 2 charging station;

(6) Electric vehicle (EV) level 3 charging station;

(7) Family day care home;

(8) Home garden;

(9) Home occupation;

(10) Office (as accessory to P multifamily dwelling or commercial use);

(11) Open space, park, playground, or recreational facility;

(12) Outdoor display and sale of merchandise;

(13) Outdoor storage (as an accessory use);

(14) Rainwater cistern;

(15) Residential care facility;

(16) Private recycling bins;

(17) Satellite dish;

(18) Small wind energy system;

(19) Solar energy collection system;

(20) Swimming pool, spa, or hot tub;

(21) Television or radio antenna.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-293. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the VR-PD District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Model sales home/unit;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility;

(5) Temporary family health care structure.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the VR-PD District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction.

(Ord. No. O-2013-06, 9-16-13)

Secs. 83-294—83-299. Reserved.

Sec. 83-300. Village Center Planned Development (VC-PD) District.

A. Purpose.	
The purpose of the Village Center Planned Development (VC-PD) District is to provide the planning and design flexibility needed to accommodate and encourage the unified development of small-scale, mixed-use village centers within those parts of village growth areas that are classified village center by the comprehensive plan. Specifically, the district is intended to encourage the use of innovative and creative design that will achieve a moderate concentration and mix of commercial, office, service, public, and residential uses, interconnected street and pedestrian networks that tie the center to adjacent residential areas, and high quality urban design with buildings that relate to the street and are scaled to maintain a "small town" feel. The district should have a central focal point, square, or "main street" as its mixed-use core, with larger districts providing additional residential development of various types (e.g., four- to 12-unit townhouse and apartment buildings) and at moderately high densities (averaging four to eight dwelling units per acre for the district as a whole). District development should also be coordinated and timed to ensure the concurrent availability of public infrastructure.	
B. Use Standards.	
Principal uses allowed in a VC-PD district shall be established in the PD plan. Uses shall be consistent with the comprehensive plan, other county-adopted plans, and the purpose of the VC-PD district, and shall comply with the use and use-specific standards in Article VII: Use Standards.	
C. Intensity and Dimensional Standards.[1]	
Density, minimum	4 du/ac
Density, maximum	8 du/ac

Floor area ratio (FAR), maximum	To be established in the PD plan—see Section 83-282, PD plan
Lot area, minimum (s.f.)	
Lot width, minimum (s.f.)	
Impervious surfaces, maximum (% of district area)	
Individual building size, maximum (s.f.)	
Building height, maximum (ft.)	
Yard depths or setbacks, minimum (ft.)	
Setback from abutting single-family residential zoning district or existing single-family dwelling use, minimum (ft.)	
Notes: [ac = acres; s.f. = square feet; ft. = feet; du/ac = dwelling units/acre]	
D. Development Standards.	
The development standards in Article VIII shall apply to all development in VC-PD districts, but some development standards may be modified as part of the PD plan if consistent with the general purposes of the VC-PD district and the comprehensive plan, and in accordance with the means of modification noted below.	
Development Standard	**Means of Modifying**
Access and circulation	Specify in the PD plan
Off-street parking and loading	Specify in a master parking plan
Landscaping, buffers, screening, and tree protection[1]	Specify in a master landscaping plan
Environmental protection	Modifications prohibited
Open space set-aside[2]	Modifications prohibited
Fences and walls	Specify in a master fencing plan
Exterior lighting	Specify in a master lighting plan
Multifamily residential design	Modifications prohibited
Commercial design	
Industrial design	
Residential compatibility	
Sustainable design	Specify in the PD plan
Signage	Specify in a master sign plan
Notes: 1. Internal uses shall not be required to provide perimeter buffers. 2. Where the PD district includes nonresidential or mixed-use development, the required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed-use purposes, respectively (see open-space set-asides in Article VIII).	

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-301. Permitted uses.

The following uses are allowable as principal uses in the VC-PD district, only if the planned development (PD) plan approved for the district expressly identifies the use type as allowed; and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Forestry and logging;

(2) Dwelling, duplex;

(3) Dwelling, live/work;

(4) Dwelling, multifamily;

(5) Dwelling, single-family detached;

(6) Dwelling, three- or four-family;

(7) Dwelling, townhouse;

(8) Dwelling, upper-story;

(9) Assisted living facility;

(10) Continuing care retirement community;

(11) Hospice facility;

(12) Rooming or boarding house;

(13) Telecommunications facility, collocated;

(14) Telecommunications tower;

(15) Community center;

(16) Library;

(17) Museum;

(18) Adult day care center;

(19) Child day care center;

(20) College or university;

(21) Private school;

(22) Public school;

(23) Vocational or trade school;

(24) Courthouse facility;

(25) Fire or EMS station;

(26) Government administrative offices;

(27) Law enforcement facility;

(28) Post office;

(29) Hospital;

(30) Massage clinic;

(31) Medical or dental clinic;

(32) Medical or dental lab;

(33) Medical treatment facility;

(34) Nursing home;

(35) Cemetery;

(36) Community garden;

(37) Park or greenway;

(38) Public square or plaza;

(39) Civic center;

(40) Club or lodge;

(41) Place of worship;

(42) Surface transportation passenger station/terminal;

(43) Utility use, minor;

(44) Animal grooming;

(45) Kennel, commercial;

(46) Veterinary clinic;

(47) Business service establishment;

(48) Conference or training center;

(49) Bar or lounge;

(50) Brewpub;

(51) Artisan food and beverage production;

(52) Micro-distillery;

(53) Nightclub;

(54) Restaurant with drive-through service;

(55) Restaurant without drive-through service;

(56) Specialty eating or drinking establishment;

(57) Professional offices;

(58) Other office facility;

(59) Motion picture theater;

(60) Recreation facility, nonprofit;

(61) Recreation facility, public;

(62) Antique store;

(63) Art gallery;

(64) Art, crafts, music, dance, photography, or martial arts studio/school;

(65) Bank or financial institution with drive-through service;

(66) Bank or financial institution without drive-through service;

(67) Convenience store;

(68) Drugstore or pharmacy with drive-through service;

(69) Drugstore or pharmacy without drive-through service;

(70) Farmers' market;

(71) Funeral home;

(72) Grocery store;

(73) Large retail sales establishment;

(74) Lawn care, pool, or pest control service;

(75) Liquor store;

(76) Personal services establishment;

(77) Shopping center;

(78) Tattoo or body piercing establishment;

(79) Taxidermy shop;

(80) Other retail sales establishment;

(81) Automotive painting or body shop;

(82) Automotive repair and servicing;

(83) Car wash or auto detailing;

(84) Gas station;

(85) Parking lot or parking structure (as a principal use);

(86) Tire sales and mounting;

(87) Vehicle/equipment sales or rental;

(88) Hotel or motel;

(89) Recycling drop-off center.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2017-25, 9-25-17; Ord. No. O-2021-13, 6-28-21)

Sec. 83-302. Accessory uses.

The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the VC-PD district, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Amateur radio antenna;

(3) Automatic teller machine (ATM);

(4) Bed and breakfast inn;

(5) Canopy, nonresidential drive-through;

(6) Clubhouse;

(7) Crematories (as accessory to P funeral home);

(8) Electric vehicle (EV) level 1 or 2 charging station;

(9) Electric vehicle (EV) level 3 charging station;

(10) Family day care home;

(11) Fuel oil or bottled gas distribution or storage, limited;

(12) Home garden;

(13) Home occupation;

(14) Office (as accessory to P multifamily dwelling or commercial use);

(15) Open space, park, playground, or recreational facility;

(16) Outdoor display and sale of merchandise;

(17) Outdoor storage (as an accessory use);

(18) Rainwater cistern;

(19) Residential care facility;

(20) Private recycling bins;

(21) Satellite dish;

(22) Small wind energy system;

(23) Solar energy collection system;

(24) Swimming pool, spa, or hot tub;

(25) Television or radio antenna.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-303. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the VC-PD District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Model sales home/unit;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility;

(5) Temporary family health care structure.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the VC-PD District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmer's market (as a temporary use);

(3) Outdoor seasonal sales.

(Ord. No. O-2013-06, 9-16-13)

Secs. 83-304—83-309. Reserved.

Sec. 83-310. Commerce Center Planned Development (CC-PD) District.

A. Purpose.
The purpose of the Commerce Center Planned Development (CC-PD) District is to provide the planning and design flexibility needed to accommodate and encourage the unified development of large-scale commercial and light industrial uses within those parts of village growth areas that are classified commerce center by the comprehensive plan. Specifically, the district is intended to encourage the use of innovative and creative design that will achieve the "campus-like" development of a wide range of office, business, warehousing, light manufacturing, and research and development uses, as well as ancillary uses that serve center businesses (e.g., communication technology services) and employees (e.g., restaurants). District development should include vehicular access designed to maximize efficiency, minimize negative impacts on the levels of service of adjacent roads, handle heavy truck traffic, and separate customer traffic from delivery and distribution truck traffic. It should also be designed to mitigate adverse impacts on adjacent areas and to include open space to protect natural features and/or provide plazas, squares, or greens. District development should also be coordinated and timed to ensure the concurrent availability of public infrastructure.

B. Use Standards.	
Principal uses allowed in a CC-PD District shall be established in the PD plan. Uses shall be consistent with the comprehensive plan, other county-adopted plans, and the purpose of the CC-PD District, and shall comply with the use and the use-specific standards in Article VII: Use Standards.	
C. Intensity and Dimensional Standards.	
Density, maximum (du/ac)	To be established in the PD plan—see Section 83-282, PD plan
Floor area ratio (FAR), maximum	
Lot area, minimum (s.f.)	
Lot width, minimum (s.f.)	
Impervious surfaces, maximum (% of district area)	
Individual building size, maximum (s.f.)	
Building height, maximum (ft.)	
Yard depths or setbacks, minimum (ft.)	
Setback from abutting single-family residential zoning district or existing single-family dwelling use, minimum (ft.)	
Notes: ac = acres s.f. = square feet ft. = feet du/ac = dwelling units/acre	
D. Development Standards.	
The development standards in Article VIII shall apply to all development in CC-PD districts, but some development standards may be modified as part of the PD plan if consistent with the general purposes of the CC-PD district and the comprehensive plan, and in accordance with the means of modification noted below.	

Development Standard	Means of Modifying
Access and circulation	Specify in the PD plan
Off-street parking and loading	Specify in a master parking plan
Landscaping, buffers, screening, and tree protection[1]	Specify in a master landscaping plan
Environmental protection	Modifications prohibited
Open space set-aside	Modifications prohibited
Fences and walls	Specify in a master fencing plan
Exterior lighting	Specify in a master lighting plan
	Modifications prohibited
Commercial design	
Industrial design	
Residential compatibility	
Sustainable design	Specify in the PD plan
Signage	Specify in a master sign plan
Notes: 1. Internal uses shall not be required to provide perimeter buffers.	

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-311. Permitted uses.

The following uses are allowable as principal uses in the CC-PD District, only if the planned development (PD) plan approved for the district expressly identifies the use type as allowed; and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Forestry and logging;

(2) Telecommunications facility, collocated;

(3) Telecommunications tower;

(4) Community center;

(5) Library;

(6) Museum;

(7) Adult day care center;

(8) Child day care center;

(9) College or university;

(10) Private school;

(11) Public school;

(12) Vocational or trade school;

(13) Courthouse facility;

(14) Fire or EMS station;

(15) Government administrative offices;

(16) Law enforcement facility;

(17) Post office;

(18) Hospital;

(19) Massage clinic;

(20) Medical or dental clinic;

(21) Medical or dental lab;

(22) Medical treatment facility;

(23) Cemetery;

(24) Community garden;

(25) Park or greenway;

(26) Public square or plaza;

(27) Civic center;

(28) Club or lodge;

(29) Place of worship;

(30) Surface transportation passenger station/terminal;

(31) Utility use, minor;

(32) Animal grooming;

(33) Kennel, commercial;

(34) Veterinary clinic;

(35) Business service establishment;

(36) Conference or training center;

(37) Bar or lounge;

(38) Brewpub;

(39) Artisan food and beverage production;

(40) Micro-distillery;

(41) Nightclub;

(42) Restaurant with drive-through service;

(43) Restaurant without drive-through service;

(44) Specialty eating or drinking establishment;

(45) Professional offices;

(46) Other office facility;

(47) Arena, stadium, or amphitheater;

(48) Auditorium or stage theater;

(49) Country club;

(50) Golf course;

(51) Marina, commercial;

(52) Marina, noncommercial;

(53) Motion picture theater;

(54) Recreation facility, commercial indoor;

(55) Recreation facility, commercial outdoor;

(56) Recreation facility, nonprofit;

(57) Recreation facility, public;

(58) Antique store;

(59) Art gallery;

(60) Art, crafts, music, dance, photography, or martial arts studio/school;

(61) Auction facility;

(62) Bank or financial institution with drive-through service;

(63) Bank or financial institution without drive-through service;

(64) Convenience store;

(65) Drugstore or pharmacy with drive-through service;

(66) Drugstore or pharmacy without drive-through service;

(67) Farmers' market;

(68) Funeral home;

(69) Grocery store;

(70) Large retail sales establishment;

(71) Lawn care, pool, or pest control service;

(72) Liquor store;

(73) Personal services establishment;

(74) Shopping center;

(75) Tattoo or body piercing establishment;

(76) Taxidermy shop;

(77) Other retail sales establishment;

(78) Automotive painting or body shop;

(79) Automotive repair and servicing;

(80) Car wash or auto detailing;

(81) Gas station;

(82) Parking lot or parking structure (as a principal use);

(83) Tire sales and mounting;

(84) Vehicle/equipment sales or rental;

(85) Hotel or motel;

(86) Recycling drop-off center.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2017-25, 9-25-17; Ord. No. O-2021-13, 6-28-21)

Sec. 83-312. Accessory uses.

The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the CC-PD District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Amateur radio antenna;

(3) Automatic teller machine (ATM);

(4) Bed and breakfast inn;

(5) Canopy, nonresidential drive-through;

(6) Clubhouse;

(7) Crematories (as accessory to P funeral home);

(8) Electric vehicle (EV) level 1 or 2 charging station;

(9) Electric vehicle (EV) level 3 charging station;

(10) Family day care home;

(11) Fuel oil or bottled gas distribution or storage, limited;

(12) Home garden;

(13) Home occupation;

(14) Office (as accessory to P multifamily dwelling or commercial use);

(15) Open space, park, playground, or recreational facility;

(16) Outdoor display and sale of merchandise;

(17) Outdoor storage (as an accessory use);

(18) Parking or storage of large vehicles;

(19) Rainwater cistern;

(20) Private recycling bins;

(21) Satellite dish;

(22) Small wind energy system;

(23) Solar energy collection system;

(24) Swimming pool, spa, or hot tub;

(25) Television or radio antenna.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-313. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the CC-PD District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Post-disaster temporary dwelling;

(3) Temporary construction-related structure or facility.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the CC-PD District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmer's market (as a temporary use);

(3) Outdoor seasonal sales.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-314. Planned development (PDD) district.

A. Purpose.	
The purpose of the planned development district is to create large, cohesive master-planned developments that incorporate commercial and light industrial uses, with complementary residential uses. This district must be utilized in the areas denoted economic opportunity in the Powhatan County Long Range Comprehensive Plan for any planned development rezoning request.	
B. Use Standards.	
Principal uses allowed in a PDD district shall be established as part of a proposed PDD plan. The PDD district is subject to the regulations found in the use-specific standards found in Article VII: Use Standards.	
C. Intensity and Dimensional Standards.[1]	
Density, minimum	None
Density, maximum	4 du/ac[3]
Floor area ratio (FAR), maximum	To be established in the PDD plan
Lot area, minimum (s.f.)	
Lot width, minimum (s.f.)	
Impervious surfaces, maximum (% of district area)	
Individual building size, maximum (s.f.)	
Building height, maximum (ft.)	
Yard depths or setbacks, minimum (ft.)	
Setback from abutting single-family residential zoning district or existing single-family dwelling use, minimum (ft.)	

Notes: [ac = acres; s.f. = square feet; ft. = feet; du/ac = dwelling units/acre]	
D. Development Standards.	
The development standards in Article VIII shall apply to all development in PDD districts, but those standards may be modified as part of the PD plan if consistent with the general purpose of the PDD district and the comprehensive plan, and in accordance with the means of modification noted below.	
Development Standard	**Means of Modifying**
Access and circulation	Specify in the PDD plan
Off-street parking and loading	Specify in a master parking plan
Landscaping, buffers, screening, and tree protection[1]	Specify in a master landscaping plan
Environmental protection	Modifications prohibited
Open space set-aside[2]	Specify in a master landscaping plan
Fences and walls	Specify in a master fencing plan
Exterior lighting	Specify in a master lighting plan
Multifamily residential design	Specify in the PDD plan
Commercial design	
Industrial design	
Residential compatibility	
Sustainable design	Specify in the PDD plan
Signage	Specify in a master sign plan
Notes: 1. Internal uses may not necessarily be required to provide perimeter buffers. 2. Where the PDD district includes nonresidential or mixed-use development, the required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed-use purposes, respectively (see open-space set-asides in Article VIII). 3. The maximum density for the Route 711 Village Special Area Plan is 9 dwelling units per acre.	

(Ord. No. O-2022-35, 2-27-23)

Sec. 83-315. Permitted residential uses.

(1) Dwelling, multifamily;*

(2) Dwelling, single-family detached;

(3) Dwelling, townhouse.

*Dwelling, multifamily shall only be applicable to the Route 711 Village Special Area Plan.

(Ord. No. O-2022-35, 2-27-23)

Sec. 83-316. Permitted commercial/industrial uses.

The following uses are allowable as principal uses by right in the planned development district, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Data center;

(2) Warehouse, distribution or storage;

(3) Educational, scientific, or industrial research and development;

(4) Assisted living facility;

(5) Business service establishment;

(6) Telecommunications facility, collocated;

(7) Community center;

(8) Library;

(9) Museum;

(10) Adult day care center;

(11) Child day care center;

(12) Private school;

(13) Vocational or trade school;

(14) Radio or television broadcast studio;

(15) Winery;

(16) Greenhouse, nursery, and floriculture production;

(17) Law enforcement facility;

(18) Post office;

(19) Massage clinic;

(20) Medical or dental clinic;

(21) Medical or dental lab;

(22) Medical treatment facility;

(23) Community garden;

(24) Park or greenway;

(25) Club or lodge;

(26) Place of worship;

(27) Surface transportation passenger station/terminal;

(28) Utility use, minor;

(29) Utility use, major;

(30) Veterinary clinic;

(31) Newspaper or magazine publishing;

(32) Bar or lounge;

(33) Brewpub;

(34) Micro-distillery;

(35) Nightclub;

(36) Restaurant with drive-through service;

(37) Restaurant without drive-through service;

(38) Specialty eating or drinking establishment;

(39) Contractor's office;

(40) Professional offices;

(41) Other office facility;

(42) Auditorium or stage theater;

(43) Motion picture theater;

(44) Recreation facility, commercial indoor;

(45) Recreation facility, nonprofit;

(46) Recreation facility, public;

(47) Recreation facility, commercial outdoor;

(48) Antique store;

(49) Art gallery;

(50) Arts, crafts, music, dance, photography, or martial arts studio/school;

(51) Auction facility;

(52) Bank or financial institution with drive-through service;

(53) Bank or financial institution without drive-through service;

(54) Animal grooming;

(55) Convenience store;

(56) Drugstore or pharmacy with drive-through service;

(57) Drugstore or pharmacy without drive-through service;

(58) Farmers' market;

(59) Manufacturing, assembly, or fabrication, light.

(60) Grocery store;

(61) Large retail sales establishment;

(62) Lawn care, pool, or pest control service;

(63) Liquor store;

(64) Personal services establishment;

(65) Shopping center;

(66) Tattoo or body piercing establishment;

(67) Wholesale trade establishment;

(68) Other retail sales establishment;

(69) Automotive painting or body shop;

(70) Automotive repair and servicing;

(71) Automotive wrecker service;

(72) Car wash or auto detailing;

(73) Gas station;

(74) Parking lot or parking structure (as a principal use);

(75) Taxi or limousine service facility;

(76) Tire sales and mounting;

(77) Vehicle/equipment sales or rental;

(78) Hotel or motel;

(79) Hospice facility;

(80) Recycling drop-off center;

(81) Conference or training center;

(82) Fire or EMS station;

(83) Artisan food and beverage production.

(84) Micro-brewery;

(85) Metal-working, welding, pipe fitting, or woodworking;

(86) Commercial industrial services;

(87) General industrial services;

(88) Printing or other similar reproduction facility;

(89) Bottling plant.

(Ord. No. O-2022-35, 2-27-23)

Sec. 83-317. Conditional uses.

The following uses are allowable as principal uses in the planned development district only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Telecommunications tower;

(2) College or university;

(3) Hospital;

(4) Shooting range, commercial;

(5) Public square or plaza;

(6) Civic center,

(7) Animal shelter;

(8) Kennel, commercial;

(9) Arena, stadium, or amphitheater;

(10) Country club;

(11) Marina, commercial;

(12) Flea market;

(13) Commercial landscape operation.

(Ord. No. O-2022-35, 2-27-23)

Sec. 83-318. Accessory uses.

(1) Amateur radio antenna;

(2) Automatic teller machine (ATM);

(3) Canopy, nonresidential drive-through;

(4) Clubhouse;

(5) Parking or storage of large vehicles (see section 83-438(r));

(6) Electric vehicle (EV) level 1 or 2 charging station;

(7) Electric vehicle (EV) level 3 charging station;

(8) Family day care home;

(9) Fuel oil or bottled gas distribution or storage, limited;

(10) Home garden;

(11) Office (as accessory to multifamily dwelling or commercial use);

(12) Open space, park, playground, or recreational facility;

(13) Outdoor display and sale of merchandise;

(14) Outdoor storage (as an accessory use);

(15) Rainwater cistern;

(16) Residential care facility;

(17) Private recycling bins;

(18) Satellite dish;

(19) Small wind energy system;

(20) Solar energy collection system;

(21) Swimming pool, spa, or hot tub;

(22) Television or radio antenna.

(Ord. No. O-2022-35, 2-27-23)

Sec. 83-319. General standards for the planned development (PDD) district.

A planned development district (PDD) shall be applied for by submitting a PDD plan.

(a) *PDD plan.* The PDD plan shall:

(1) Include a statement of planning and marketing objectives for the district;

(2) Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;

(3) Identify for the entire PDD district and each development area the acreage, types and mix of land uses, number of residential units (by use type and number of bedrooms), nonresidential floor area (by use type), residential density, and nonresidential intensity;

(4) Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;

(5) Identify the location of environmentally sensitive lands, wildlife habitat, and waterway corridors;

(6) Identify the on-site transportation circulation system, including the general location of all public streets and private roads, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned county and state systems;

(7) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to county systems;

(8) Identify the general location of on-site stormwater management facilities, and how they will connect to county systems;

(9) Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management; and

(10) Development phasing plan. If development is proposed to be phased, the PDD plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the county's capital improvements program.

(b) *Consistency with county plans.* The PDD zoning district designation, the PDD plan, and the PDD terms and conditions shall be consistent with the comprehensive plan.

(c) *Phasing Schedule.* The master plan shall include a plan for no more than 30 percent of the overall parcel(s) acreage(s) dedicated to residential units constructed west of State Route 288. Prior to any residential development receiving a certificate of occupancy, 30 percent of the total gross square footage of commercial/industrial must be completed with a certificate of occupancy(C.O.) issued accordingly.

(d) *Compatibility with surrounding areas.* Development along the perimeter of a PDD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PDD plan shall provide for transition areas at the edges of the PDD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.

(e) *Conversion schedule.* The PDD plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use and one type of nonresidential use may be converted to another type of nonresidential use. Such conversions may occur within development areas and between development areas if they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

(f) *On-site public facilities.*

(1) *Design and construction.* The PDD plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with the applicable county, state, and federal regulations.

(2) *Dedication.* The PDD plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary

for the construction or installation of required and proposed on-site public facilities in compliance with the applicable county, state, and federal regulations.

(3) *Modifications to street standards.* In approving a PDD plan, the board of supervisors may approve modifications or reductions of private road design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:

a. The PDD plan provides for the separation of vehicular, pedestrian, and bicycle traffic;

b. Access for emergency service vehicles is not substantially impaired;

c. Adequate off-street parking is provided for the uses proposed; and

d. Adequate space for public utilities is provided within the street right-of-way.

(g) *PDD terms and conditions.* The PDD terms and conditions shall include, but not be limited to:

(1) Conditions related to approval of the application for the PDD zoning district classification;

(2) The PDD plan, including any density/intensity standards, dimensional standards, and development standards established in the PDD plan;

(3) Conditions related to the approval of the PDD plan, including any conditions related to the form and design of development shown in the PDD plan;

(4) Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;

(5) Provisions related to environmental protection and monitoring; and

(6) Any other provisions the board of supervisors determines are relevant and necessary to the development of the PDD in accordance with applicable standards and requirements of this chapter.

(h) *Uses.* Allowed principal uses in a PDD district shall be established in the PDD plan. Allowed uses shall be consistent with the comprehensive plan and the purpose of the particular type of PDD district, and subject to applicable use-specific standards in Article VII: Use Standards, and any additional limitations or requirements established for a particular PDD district.

(i) *Densities/intensities.* The densities for residential development and the intensities for nonresidential development applicable in each development area of a PDD district shall be as established in the PDD plan, and shall be consistent with the comprehensive plan, other adopted special area and county plans, and the purpose of the particular type of PDD district.

(j) *Dimensional standards.* The dimensional standards applicable in each development area of a PDD district shall be as established in the PDD plan and shall be consistent with the purpose of the particular type of PDD District. The PDD plan shall include at least the following types of dimensional standards:

(1) Maximum dwelling units per acre and/or maximum floor area ratio;

(2) Minimum lot area;

(3) Minimum lot width;

(4) Maximum impervious surface area;

(5) Maximum building height;

(6) Maximum individual building size;

(7) Minimum and maximum yard depths or setbacks; and

(8) Minimum buffers and/or setbacks from adjoining residential development or residential zoning districts, from adjacent farm operations, and from environmental features such as watercourses and wetlands.

(k) *Development standards.* All development in a PDD district shall comply with the development standards of Article VIII: Development Standards, and Powhatan County Code Chapter 68 (Subdivisions), subject to any modifications of those standards established in the PDD plan as consistent with the comprehensive plan and other adopted county plans, the objective of the particular type of development standard, the purpose of the particular PDD district, and any additional limitations or requirements set forth in this division for the particular type of PDD district.

(l) Lots may front a commercial or gated community private road as part of an approved PDD plan. The number and general location of lots must be specified in the PDD plan. Any deviation from the approved plan must receive board of supervisor's approval.

(m) *Revisions to the plan.* Major and minor revisions of the PDD plan will be addressed as follows:

(1) *Major revisions.* Requests for major revisions to an approved PDD development plan shall follow procedural requirements for zoning map amendments. A major revision shall be characterized by any of the following:

a. Significant changes in density;

b. Substantial changes in vehicular circulation or access;

c. Substantial changes in the types of land uses proposed;

d. Substantial changes in building design or site design; and,

e. Any other change the zoning administrator determines is a major divergence from the approved development plan.

(2) *Minor revisions.* Other changes to an approved PDD development plan may be considered minor and may be administratively approved by the zoning administra-

tor. Requests for minor revisions shall be in writing by the owner. If the zoning administrator denies such a request, the matter may be brought before the board of supervisors for a public hearing and a decision to approve or deny.

(3) If there is any ambiguity or uncertainty as to whether a requested PDD revision is major or minor, it shall be deemed to be major.

(Ord. No. O-2022-35, 2-27-23)

DIVISION 3. VILLAGE GROWTH AREA OVERLAY DISTRICTS

Sec. 83-320. General purpose of village growth area overlay districts.

The village growth area overlay districts established in this section are intended to provide a mechanism whereby special supplemental standards may be applied to specific village growth areas or specific areas within any village growth area, generally for the purpose of addressing aspects of development design that may not be important enough to address in the standards applicable throughout a particular base district, but that are important in defining the existing or planned character of development in a particular area. Where the rules of the overlay and the base district are different, the more restrictive standards apply. The district rules do not apply to, nor impact, existing uses of land.
(Ord. No. O-2014-02, 2-18-14)

Secs. 83-321—83-324. Reserved.

Sec. 83-325. Village growth area overlay districts.

The village growth area overlay districts established by this chapter are:

Village growth area overlay districts

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2015-06, 5-4-15)

Secs. 83-326—83-329. Reserved.

Sec. 83-330. Repealed.

Editor's note—Ord. No. O-2015-06, adopted May 4, 2015, repealed § 83-330, which pertained to the Route 711 Village Special Area Plan Overlay (711 VSAPO) and derived from Ord. No. O-2014-02, adopted February 18, 2014.

Secs. 83-331—83-339. Reserved.

ARTICLE V. TRANSITION BASE DISTRICTS

Sec. 83-340. General purposes of transition base districts.

The transition base districts represent zoning districts established by the previous zoning ordinance and carried forward in this chapter because of their unique characteristics and standards. They are intended to accommodate the continuation and growth of development that occurred under the previous zoning ordinance. Because the purpose and character of these districts are no longer fully consistent with the most recent comprehensive plan, it is the county's intent that no additional lands be rezoned to a transition district except where small additions are needed to accommodate modest expansions or lot line adjustments affecting developments that already exist within the transition district. It is intended and expected that lands within these transition base districts gradually will be rezoned to one of the other base or planned development districts established in this chapter that better reflect the comprehensive plan's land use classifications and objectives. When land is no longer zoned for a transition base district, it is the county's intent that this chapter be amended to remove the district.

Nothing herein shall be deemed to allow dump heaps, as defined herein, therefore keeping or maintaining a dump heap shall be prohibited on property in all transition base districts.

The transition base districts carried forward by this chapter are:

TRANSITION BASE DISTRICTS	
R-U	Residential Utility
O	Office
C	General Commercial

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2019-15, 3-25-19; Ord. No. O-2020-17, 11-23-20)

Sec. 83-350 Residential Utility (R-U) District.

A. Purpose.

The purpose of the Residential Utility (R-U) District is to accommodate single-family and duplex residential development, plus limited institutional development, on lands previously zoned residential utility. R-U zoning within village growth areas designated in the comprehensive plan shall remain until such time as public or community water or sewer service becomes available and the land is rezoned to a district designed to achieve the type of urban development called for by land use designations applied to the land by the comprehensive plan. No additional lands shall be rezoned to the residential utility district except to accommodate expansion of existing development on land zoned residential utility through a lot line adjustment.

Typical Development Form



B. Use Standards.

See use-specific standards in Article VII (Use Standards).

C. Intensity and Dimensional Standards[1]

		Served by		
		Neither public/ community water or sewer service	Either public/ community water or sewer service	Both public/ community water and public sewer service
Lot area, minimum		2 ac[2]	1 ac	0.5 ac[3]
Lot width, minimum		215 ft.[4]	150 ft.	100 ft.[3]
Density, maximum	Single-family detached or duplex dwellings	1 du/2 ac	1 du/ac	2 du/ac
	Townhouse or multifamily dwellings			4 du/ac
Lot coverage, maximum		30%		



Typical Lot Layout

Structure height, maximum	Lesser of 3 stories or 35 ft.		
Front yard depth, minimum	60 ft.[5]		
Side yard depth, minimum	25 ft.[3, 6, 7]	25 ft.[3, 6, 7]	15 ft.[3, 7, 8]
Rear yard depth, minimum	40 ft.[3, 7, 10]	40 ft.[3, 7, 10]	40 ft.[3, 7, 10]
Corner lot yard depth, minimum	30 ft.	30 ft.	30 ft.

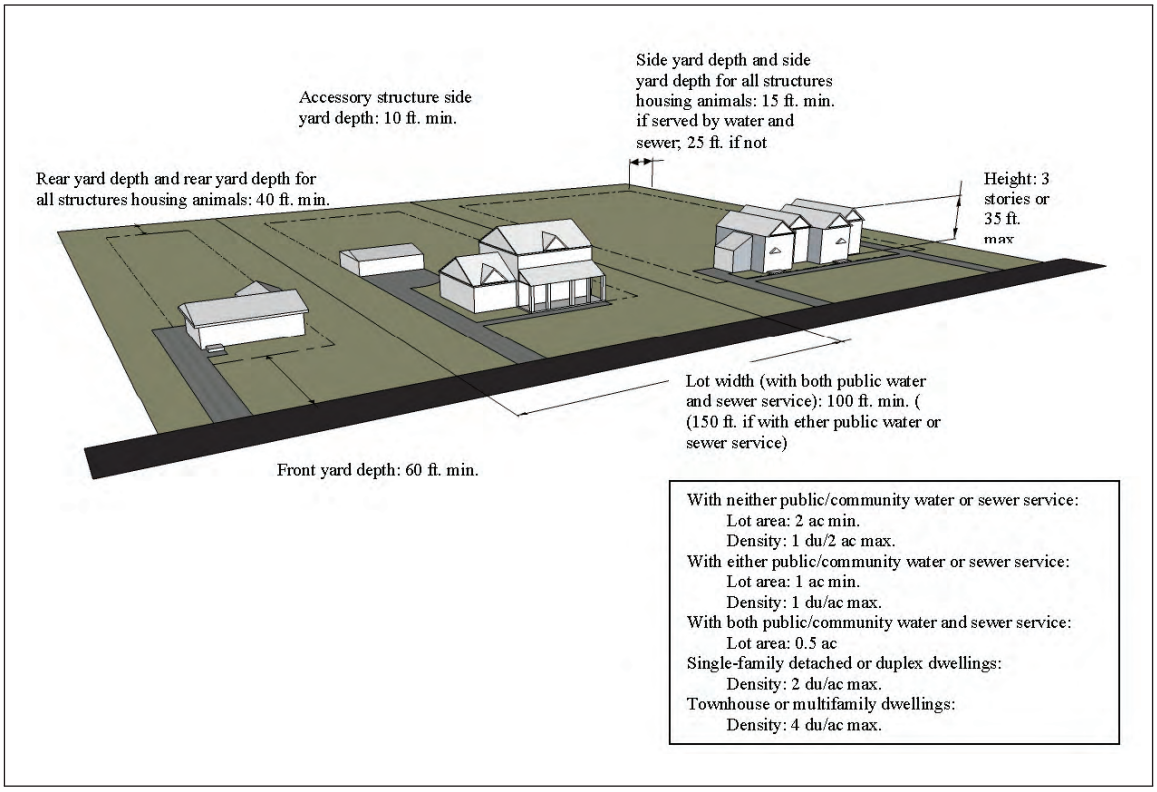


1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations).
2. Three ac for duplex dwellings.
3. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum lot size of 1,800 s.f. and a minimum lot width of 18 ft.
4. See chapter 68 (Subdivisions) for variation applicable to family divisions.
5. Thirty-five ft. for flag lots.
6. Twenty-five ft. for principal or accessory structures housing animals.
7. Ten ft. for accessory structures (other than those housing animals).
8. Fifteen ft. for principal or accessory structures housing animals.
9. For townhouse development, applies to whole development site, not individual townhouse lots.
10. Forty ft. for principal or accessory structures housing animals.

D. Development Standards.

See development standards in Article VIII (Development Standards).

Typical Development Configuration



(Ord. No. O-2014-02, 2-18-14; Ord. No. 2014-23, 9-15-14)

Sec. 83-351. Permitted uses.

The following uses are allowable as principal uses by right in the R-U District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Dwelling, duplex;

(2) Dwelling, single-family detached;

(3) Telecommunications facility, collocated;

(4) Library;

(5) Public school;

(6) Fire or EMS station;

(7) Community garden;

(8) Park or greenway;

(9) Utility use, minor.

(Ord. No. O-2014-02, 2-18-14)

Sec. 83-352. Conditional uses.

The following uses are allowable as principal uses in the R-U District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Dwelling, manufactured home;

(2) Dwelling, multifamily;

(3) Dwelling, three- or four-family;

(4) Dwelling, townhouse;

(5) Museum;

(6) Adult day care center;

(7) Child day care center;

(8) College or university;

(9) Private school;

(10) Vocational or trade school;

(11) Government administrative offices;

(12) Law enforcement facility;

(13) Post office;

(14) Hospital;

(15) Massage clinic;

(16) Medical or dental clinic;

(17) Public square or plaza;

(18) Club or lodge;

(19) Place of worship;

(20) Professional offices;

(21) Country club;

(22) Golf course;

(23) Recreation facility, nonprofit;

(24) Recreation facility, public;

(25) Conference or training center;

(26) Hotel.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2017-03, 1-23-17)

Sec. 83-353. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the R-U District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Accessory apartment;

(2) Amateur radio antenna;

(3) Electric vehicle (EV) level 1 or 2 charging station;

(4) Family day care home;

(5) Home garden;

(6) Home occupation;

(7) Kennel, private (for parcel 2 acres or more in size; see section 83-438(n));

(8) Open space, park, playground, or recreational facility;

(9) Parking or storage of major recreational equipment on residential lots;

(10) Private garage;

(11) Private recycling bins;

(12) Rainwater cistern;

(13) Residential care facility;

(14) Satellite dish;

(15) Small wind energy system;

(16) Solar energy collection system;

(17) Storage shed for lawn and garden tools;

(18) Swimming pool, spa, or hot tub;

(19) Television or radio antenna;

(20) Accessory dwelling unit (detached), up to 35 percent of square footage of the main dwelling.

(b) *Conditional accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the R-U District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Kennel, private (for parcels less than two acres in size; see section 83-438(n)).

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2022-25, 6-27-22)

Sec. 83-354. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the R-U District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Model sales home/unit;

(3) Post-disaster temporary dwelling;

(4) Temporary construction-related structure or facility;

(5) Temporary family health care structure.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the R-U District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction.

(Ord. No. O-2014-02, 2-18-14)

Secs. 83-355—83-369. Reserved.

Editor's note—Ord. No. 2018-38, adopted April 24, 2019, repealed §§ 83-360—83-364, which pertained to the Residential-Commercial (R-C) District and derived from Ord. No. O-2014-02, adopted February 18, 2014; Ord. No. 2014-23, adopted September 15, 2014; Ord. No. O-2015-23, adopted December 7, 2015; Ord. No. O-2017-06, adopted March 27, 2017 and Ord. No. O-2018-06, adopted August 27, 2018.

Sec. 83-370. Office (O) District.

A. Purpose.	**Typical Development Form**
The purpose of the Office (O) District is to accommodate professional office, administrative office, and limited institutional development on land previously zoned office and located within village growth areas—until such time as the land is rezoned to a district designed to achieve the type of urban development called for by land use designations applied to the land by the comprehensive plan. No additional lands shall be rezoned to the Office District except to accommodate modest expansion of existing development on land zoned office. Uses allowed include various office uses, small-scale retail uses, and institutional uses such as day care centers, medical clinics, and places of worship.	
B. Use Standards.	
See use-specific standards in Article VII (Use Standards).	

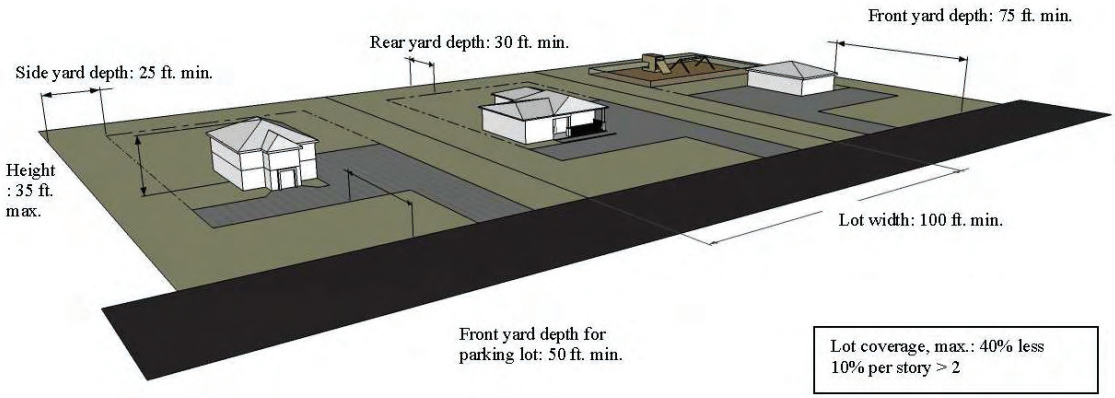
C. Intensity and Dimensional Standards.[1]	
Lot area, minimum	n/a
Lot width, minimum	100 ft.[2, 3]
Density, maximum	n/a
Lot coverage, maximum	40% less 10% for each story >2
Structure height, maximum	35 ft.
Front yard depth, minimum	75 ft.[4]
Side yard depth, minimum	25 ft.



Rear yard depth, minimum	30 ft.	**Typical Lot Layout**
Corner lot yard depth, minimum	40 ft.	
Notes: ft. = feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. Fifty ft. on cul-de-sacs. 3. The lot shall also have frontage along a public street within the O district that equals or exceeds the minimum lot width standard. 4. Fifty ft. for accessory uses and structures and parking lots.		
D. Development Standards.		
See development standards in Article VIII (Development Standards).		

[The next page is CD83:165]

Typical Development Configuration



(Ord. No. O-2014-02, 2-18-14; Ord. No. 2014-23, 9-15-14)

Sec. 83-371. Permitted uses.

The following uses are allowable as principal uses by right in the O District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Telecommunications facility, collocated;

(2) Library;

(3) Museum;

(4) Child day care center;

(5) Government administrative offices;

(6) Law enforcement facility;

(7) Post office;

(8) Massage clinic;

(9) Community garden;

(10) Park or greenway;

(11) Utility use, minor;

(12) Animal grooming;

(13) Professional offices;

(14) Recreation facility, nonprofit;

(15) Recreation facility, public;

(16) Art, crafts, music, dance, photography, or martial arts studio/school.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2018-06, 8-27-18)

Sec. 83-372. Conditional uses.

The following uses are allowable as principal uses in the O District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Dwelling, live/work;

(2) Assisted living facility;

(3) Continuing care retirement community;

(4) Newspaper or magazine publishing;

(5) Radio or television broadcast studio;

(6) Telecommunications tower;

(7) Adult day care center;

(8) College or university;

(9) Private school;

(10) Vocational or trade school;

(11) Government maintenance, storage, or distribution facility;

(12) Medical or dental clinic;

(13) Medical or dental lab;

(14) Medical treatment facility;

(15) Cemetery;

(16) Public square or plaza;

(17) Place of worship;

(18) Utility use, major;

(19) Business service establishment;

(20) Brewpub;

(21) Contractor's office.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2018-06, 8-27-18)

Sec. 83-373. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the O District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Amateur radio antenna;

(2) Automatic teller machine (ATM);

(3) Canopy, nonresidential drive-through;

(4) Electric vehicle (EV) level 1 or 2 charging station;

(5) Electric vehicle (EV) level 3 charging station;

(6) Family day care home;

(7) Fuel oil or bottled gas distribution or storage, limited;

(8) Open space, park, playground, or recreational facility;

(9) Outdoor display and sale of merchandise;

(10) Outdoor storage (as an accessory use);

(11) Private recycling bins;

(12) Rainwater cistern;

(13) Residential care facility;

(14) Satellite dish;

(15) Small wind energy system;

(16) Solar energy collection system;

(17) Swimming pool, spa, or hot tub;

(18) Television or radio antenna.

(Ord. No. O-2014-02, 2-18-14)

Sec. 83-374. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the O District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage or yard sale;

(2) Post-disaster temporary dwelling.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the O District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction.

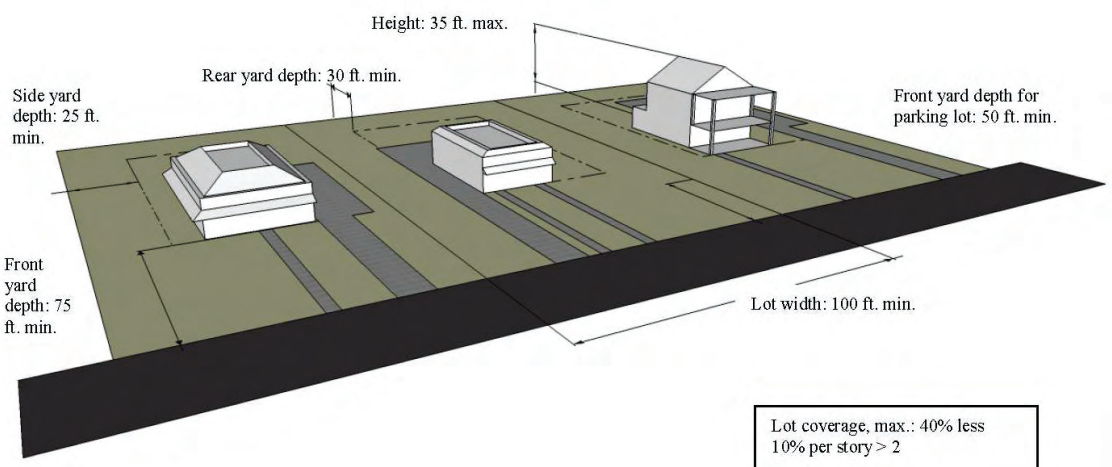
(Ord. No. O-2014-02, 2-18-14)

Secs. 83-375—83-379. Reserved.

Sec. 83-380. General Commercial (C) District.

A. Purpose.		**Typical Development Form**
The purpose of the General Commercial (C) District is to accommodate general commercial development on land previously zoned general commercial—until such time as the land is rezoned to a district designed to achieve the type of urban development called for by land use designations applied to the land by the comprehensive plan. No additional lands shall be rezoned to the General Commercial District except to accommodate modest expansion of existing development on land zoned general commercial. Uses allowed include eating and drinking establishments, offices, a wide range of retail sales and service uses, vehicle/equipment sales and service uses, day care centers, medical clinics, and places of worship.		
B. Use Standards.		
See use-specific standards in Article VII (Use Standards).		
C. Intensity and Dimensional Standards.[1]		
Lot area, minimum	n/a	
Lot width, minimum	100 ft.[2, 3]	
Density, maximum	n/a	
Lot coverage, maximum	40% less 10% for each story >2	
Structure height, maximum	35 ft.	
Front yard depth, minimum	75 ft.[4]	
Side yard depth, minimum	25 ft.	Typical Lot Layout
Rear yard depth, minimum	30 ft.	
Corner lot yard depth, minimum	40 ft.	
Notes: ft. = feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. Fifty ft. on cul-de-sacs. 3. The lot shall also have frontage along a public street within the C district that equals or exceeds the minimum lot width standard. 4. Fifty ft. for accessory uses and structures and parking lots.		
D. Development Standards.		
See development standards in Article VIII (Development Standards).		

Typical Development Configuration



(Ord. No. O-2014-02, 2-18-14; Ord. No. 2014-23, 9-15-14)

Sec. 83-381. Permitted uses.

The following uses are allowable as principal uses by right in the C District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Greenhouse, nursery, and floriculture production;

(2) Telecommunications facility, collocated;

(3) Community center;

(4) Library;

(5) Museum;

(6) Adult day care center;

(7) Child day care center;

(8) Fire or EMS station;

(9) Government administrative offices;

(10) Law enforcement facility;

(11) Post office;

(12) Massage clinic;

(13) Community garden;

(14) Park or greenway;

(15) Utility use, major;

(16) Utility use, minor;

(17) Animal grooming;

(18) Specialty eating or drinking establishment;

(19) Professional offices;

(20) Recreation facility, public;

(21) Antique store;

(22) Art gallery;

(23) Art, crafts, music, dance, photography, or martial arts studio/school;

(24) Farmers' market;

(25) Personal services establishment;

(26) Recycling drop-off center.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2018-06, 8-27-18)

Sec. 83-382. Conditional uses.

The following uses are allowable as principal uses in the C District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Dwelling, live/work;

(2) Telecommunications tower;

(3) Vocational or trade school;

(4) Government maintenance, storage, or distribution facility;

(5) Hospital;

(6) Medical or dental clinic;

(7) Medical or dental lab;

(8) Medical treatment facility;

(9) Cemetery;

(10) Public square or plaza;

(11) Civic center;

(12) Club or lodge;

(13) Place of worship;

(14) Animal shelter/pound;

(15) Kennel, commercial;

(16) Veterinary clinic;

(17) Business service establishment;

(18) Conference or training center;

(19) Bar or lounge;

(20) Brewpub;

(21) Nightclub;

(22) Contractor's office;

(23) Marina, commercial;

(24) Recreation facility, commercial indoor;

(25) Recreation facility, commercial outdoor;

(26) Recreation facility, nonprofit;

(27) Drugstore or pharmacy with drive-through service;

(28) Drugstore or pharmacy without drive-through service;

(29) Flea market;

(30) Funeral home;

(31) Grocery store;

(32) Large retail sales establishment;

(33) Lawn care, pool or pest control service;

(34) Liquor store;

(35) Tattoo or body piercing establishment;

(36) Taxidermy shop;

(37) Other retail sales establishment;

(38) Automotive painting or body shop;

(39) Automotive repair and servicing;

(40) Automotive wrecker service;

(41) Car wash or auto detailing;

(42) Gas station;

(43) Taxi or limousine service facility;

(44) Truck hauler business;

(45) Vehicle/equipment sales or rental;

(46) Commercial landscape operation;

(47) Micro-distillery.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2017-25, 9-25-17; Ord. No. O-2018-06, 8-27-18)

Sec. 83-383. Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the C District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Amateur radio antenna;

(2) Automatic teller machine (ATM);

(3) Canopy, nonresidential drive-through;

(4) Clubhouse;

(5) Crematories (as accessory to P funeral home);

(6) Electric vehicle (EV) level 1 or 2 charging station;

(7) Electric vehicle (EV) level 3 charging station;

(8) Family day care home;

(9) Fuel oil or bottled gas distribution or storage, limited;

(10) Open space, park, playground, or recreational facility;

(11) Outdoor display and sales of merchandise;

(12) Outdoor storage (as an accessory use);

(13) Private recycling bins;

(14) Rainwater cistern;

(15) Residential care facility;

(16) Satellite dish;

(17) Small wind energy system;

(18) Solar energy collection system;

(19) Swimming pool, spa, or hot tub;

(20) Television or radio antenna.

(Ord. No. O-2014-02, 2-18-14)

Sec. 83-384. Temporary uses.

(a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the C District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Garage and yard sale;

(2) Post-disaster temporary dwelling;

(3) Temporary construction-related structure or facility.

(b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the C District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(1) Estate sale/auction;

(2) Farmers' market;

(3) Outdoor seasonal sales;

(4) Temporary business (other than outdoor seasonal sales).

(Ord. No. O-2014-02, 2-18-14)

Secs. 83-385—83-399. Reserved.

Editor's note—Ord. No. O-2020-17, November 23, 2020, renumbered the former §§ 83-390—83-394 as §§ 83-235—83-239.

ARTICLE VI. GENERAL OVERLAY DISTRICTS

Sec. 83-400. In general.

General overlay districts are those overlay districts that may be applied anywhere in the county (as opposed to the overlay districts targeted to village growth areas). The overlay districts described below shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the overlay districts shall serve as a supplement to the underlying district provisions.

(1) If there is any conflict between the provisions or requirements of the overlay district and those of any underlying district, the more restrictive provisions and/or those pertaining to the overlay district shall apply.

(2) In the event any provision concerning an overlay district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. No. O-2014-02, 2-18-14)

Secs. 83-401—83-409. Reserved.

Sec. 83-410. Historic Overlay (H) District.

(a) *Purpose.* The purpose of the Historic Overlay (H) District is to identify sites containing specified landmarks, buildings and structures, villages, intersections, and scenic byways having historical, archaeological, social, economic, architectural, political, funerary, or cultural significance, with the intent of enhancing public awareness of such historic

resources and encouraging their preservation and protection. Historic Overlay District regulations are intended to protect historic resources against destruction or encroachment; to encourage uses that will lead to their continuance, conservation, and archaeological heritage of the county; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.

(b) *Applicability.* The Historic Overlay (H) District may be applied in accordance with the zoning district map amendment (rezoning) provisions of Article II: Administration, to property that contains a historic landmark, building, or structure, or that makes up a historic district, and to immediately adjacent land whose development could adversely affect the integrity of such a historic landmark, building, structure, or district.

[The next page is CD83:181]

(c) *Procedures and criteria for reclassification of land into a historic overlay district.* Except as modified by subsection (1) below, reclassification of land into a Historic Overlay District shall occur in accordance with the procedures and review standards in Article II: Administration (zoning district map amendment (rezoning)).

(1) *Pre-application requirements.*

a. Before the zoning district map amendment (rezoning) application to establish a Historic Overlay District is submitted, an investigation and report of the potential Historic District shall be conducted, prepared by the initiating party, and submitted to the planning commission. The report shall:

1. Describe the historic, archeological, architectural, or cultural significance of the buildings, structures, sites, areas, features, objects, or surroundings proposed to be included in the Historic District;

2. Recommend design standards and guidelines to apply to the review of applications for a certificate of approval;

3. Describe the district's recommended boundaries; and

4. Identify properties within the proposed district as either "contributing" or "noncontributing" to the proposed district's historic, archeological, architectural, or cultural significance.

b. The planning commission may accept as the required significance report, a report prepared in conjunction with a previous nomination of the same land for Historic Overlay District zoning or for listing in the Virginia Landmarks Register or the National Register of Historic Places.

c. The planning commission shall consider the significance report based on the standards in section 83-410(c)(3), criteria for Historic Overlay District classification. On receiving a significance report, the planning commission shall consider whether to initiate a zoning map amendment (rezoning) application to classify the involved land as a Historic Overlay District.

d. If the planning commission decides not to refer the significance report on a potential Historic District to the board of supervisors, an owner of the property or properties making up the potential Historic District may prepare and submit an application for a zoning district map amendment (rezoning) to classify the involved land as a Historic Overlay District. Any such application shall include the significance report reviewed by the planning commission and a record of action on the report by the planning commission (and board of supervisors, if applicable).

(2) *Zoning district map amendment application review.* An application to classify land into a Historic Overlay District, whether initiated by the planning commission, the board of supervisors or by owners of property making up a potential Historic District, shall be subject to the review procedures and standards in Article II: Administration, zoning district map amendment (rezoning).

(3) *Criteria for Historic Overlay District classification.* Land may be reclassified as a Historic Overlay District only after consideration of whether the proposed district:

a. Is associated with persons, events, activities, or institutions of local, state, or national historical significance; or

b. Reflects the cultural, political, economic, architectural, archeological, funerary, or historical heritage of the county; or

c. Contains qualities and/or artifacts which significantly contribute to present-day knowledge and understanding of lifestyles, activities, events, or experiences of a previous era; or

d. Contains buildings or structures that embody the distinctive characteristics of an architectural style that is significant for the study of a period, method of construction, or use of indigenous materials; or

e. Contains buildings or structures that represent the work of a master architect, designer, or builder whose individual work has influenced the development of the city, county, state, or nation; or

f. Contains buildings or structures recognized for the quality of architecture and retaining sufficient features showing that architectural significance; or

g. Is a geographically definable area possessing a significant concentration of well-designed structures or other objects or sites united by past events or by a plan or physical development; or

h. Is a geographically definable neighborhood united by culture, architectural styles, or physical development; or

i. Has yielded, or may be likely to yield, information important in prehistory or history; or

j. Is listed in the National Register of Historic Places or the Virginia Landmarks Register, or includes individual properties so listed.

(d) *Certificate of approval required.* After land is classified into a Historic Overlay District, no development shall occur on such land without issuance of a certificate of approval in accordance with the review procedures and standards in the specific review procedures provisions of Article II: Administration.

(e) *Modified use standards.* Irrespective of the principal use standards applicable to the underling zoning district (see Article VII: Use Standards), telecommunications towers are prohibited within historic overlay districts.

(f) *Demolition.* No historic landmark or structure within a Historic Overlay (H) District shall be demolished unless and until the demolition is approved by the board of supervisors after receipt of a recommendation from the planning commission and, if deemed necessary, consultation with an architect from the Virginia Department of Historic Resources.
(Ord. No. O-2014-02, 2-18-14)

Secs. 83-411—83-419. Reserved.

Sec. 83-420. Floodplain management general provisions.

(a) *Statutory authorization and purpose [44 CFR 59.*22(a)(2)].

(1) Code of Virginia, § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Code of Virginia, § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

(2) In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Code of Virginia, § 15.2-2280.

(3) The purpose of these provisions is to prevent: the loss of life, health, or property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

a. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;

b. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;

c. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and,

d. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(b) *Applicability.*

(1) These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the County of Powhatan and identified as areas of special flood hazard *identified by the community or* shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the County of Powhatan by FEMA.

(c) *Compliance and liability.*

(1) No land shall hereafter be developed, and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

(2) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.

(3) This section shall not create liability on the part of the County of Powhatan or any officer or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made thereunder.

(d) *Records [44 CFR 59.22(a)(9)(iii)].*

(1) Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the floodplain administrator in perpetuity.

(e) *Abrogation and greater restrictions [44 CFR 60.1(b)].*

(1) To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

(2) These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

(f) *Severability.*

(1) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

(g) *Penalty for violations [44 CFR 60.2(e)].*

(1) Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the county shall be guilty of the appropriate violation and subject to the penalties thereof.

(2) The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of Powhatan County are addressed in section 83-515, remedies and penalties of the zoning ordinance.

(3) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the county to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(Ord. No. O-2024-13, 7-22-24)

Editor's note—Ord. No. O-2024-13, adopted July 22, 2024, repealed the former § 83-420, and enacted a new § 83-420 as set out herein. The former § 83-420 pertained to Floodplain Overlay (FP) District and derived from Ord. No. O-2014-02, adopted Feb. 18, 2014.

Sec. 83-421. Floodplain administration.

(a) *Designation of the floodplain administrator [44 CFR 59.22(b)].*

(1) The floodplain administrator is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:

a. Do the work themselves. In the absence of a designated floodplain administrator, the duties are conducted by the county chief executive officer.

b. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

c. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

(b) *Duties and responsibilities of the floodplain administrator [44 CFR 60.3].*

(1) The duties and responsibilities of the floodplain administrator shall include but are not limited to:

a. Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).

b. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.

c. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

d. Review applications to determine whether all necessary permits have been obtained from the federal, state, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the state.

e. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the department of conservation and recreation (division of dam safety and floodplain management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.

f. Advise applicants for new construction or substantial improvement of structures that are located within an area of the coastal barrier resources system established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).

g. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met or disapprove applications if the provisions of these regulations have not been met.

h. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

i. Review elevation certificates and require incomplete or deficient certificates to be corrected.

j. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the county, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

k. Maintain and permanently keep records that are necessary for the administration of these regulations, including:

1. Flood insurance studies, flood insurance rate maps (including historic studies and maps and current effective studies and maps), and letters of map change; and

2. Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on

the firm) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

l. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

m. Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

n. Administer the requirements related to proposed work on existing buildings:

1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

o. Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under NFIP flood insurance policies.

p. Notify the Federal Emergency Management Agency when the corporate boundaries of the county have been modified and:

1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the

same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to department of conservation and recreation (division of dam safety and floodplain management) and FEMA.

q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

r. It is the duty of the community floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(e) *District boundary changes.*

(1) The delineation of any of the floodplain districts may be revised by the county where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed LOMR is a record of this approval.

(f) *Interpretation of district boundaries.*

(1) Initial interpretations of the boundaries of the floodplain districts shall be made by the zoning officer. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

(g) *Submitting model backed technical data [44 CFR 65.3].*

(1) A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(h) *Letters of map revision.*

(1) When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a conditional letter of map revision and then a letter of map revision.

(2) Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12).*

(Ord. No. O-2024-13, 7-22-24)

Sec. 83-422. Establishment of floodplain overlay districts.

(a) *Description of special flood hazard districts [44 CFR 59.1, 60.3].*

(1) *Basis of districts.* The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Powhatan County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 26, 2024, and any subsequent revisions or amendments thereto.

The county may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "local flood hazard map" using best available topographic data and locally derived information such as flood of record, historic high-water marks, or approximate study methodologies.

The boundaries of the SFHA districts are established as shown on the FIRM which is declared to be a part of this ordinance, and which shall be kept on file at the county offices.

(2) The floodway district is in an AE zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the floodway district of an AE zone [44 CFR 60.3(d)]:

a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly

reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator. No principal structure may be erected in this zone, however, structures incidental to the permitted uses are permitted (e.g., picnic shelter, etc.).

b. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies - with the county's endorsement - for a conditional letter of map revision (CLOMR) and receives the approval of the Federal Emergency Management Agency.

c. If section 83-422(a)(2)a. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 83-423.

d. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

(3) The AE, or AH zones on the FIRM accompanying the FIS shall be those areas for which one percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as zones A1-30, AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county. No principal structure may be erected in this zone, however, structures incidental to the permitted uses are permitted (e.g., picnic shelter, etc.).

(4) Development activities in zones AI-30, AE, or AH on the county's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies - with the county's endorsement - for a conditional letter of map revision and receives the approval of the Federal Emergency Management Agency.

(5) The A zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual

chance floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus 18 inches.

During the permitting process, the floodplain administrator shall obtain:

a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,

b. If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

No principal structure may be erected in this zone, however, structures incidental to the permitted uses are permitted (e.g., picnic shelter, etc.).

(6) The AO zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:

a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade. No principal structure may be erected in this zone, however, structures incidental to the permitted uses are permitted (e.g., picnic shelter, etc.).

b. All new construction and substantial improvements of non-residential structures shall:

Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,

Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

(7) The coastal A zone is labelled as AE on the FIRM; it is those areas that are seaward of the limit of moderate wave action (LiMWA) line. As defined by the VA USBC, these areas are subject to wave heights between one and one-half feet and three feet. For these areas, the following provisions shall apply:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard and must comply with the provisions in section 83-422(a)(3) and section 83-423(b) and (c).

(8) The VE or V zones on FIRMs accompanying the FIS shall be those areas that are known as coastal high hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast or other areas subject to high velocity waves. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:

a. All new construction and substantial improvements in zones V and VE, including manufactured homes, shall be elevated on pilings or columns so that:

1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus 18 inches if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least two feet above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,

2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one percent annual chance).

b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify

that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of section 83-422(a)(8)a.

c. The floodplain administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V and VE. The floodplain management administrator shall maintain a record of all such information.

d. All new construction shall be located landward of the reach of mean high tide.

e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.

f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation. The enclosed space shall be less than 300 square feet.

g. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a permit.

h. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

(9) The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or

flood insurance study. In this area no emergency service, medical service, or governmental records storage shall be allowed except by special exception using the variance process.

(b) *Overlay concept.*

(1) The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

(2) If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

(3) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. No. O-2024-13, 7-22-24)

Sec. 83-423. Floodplain district provisions [44 CFR 59.22, 60.2, 60.3].

(a) *Permit and application requirements.*

(1) *Permit requirement.* All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the County of Powhatan Subdivision Regulations. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(2) *Site plans and permit applications.* All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

a. The elevation of the base flood at the site.

b. For structures to be elevated, the elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.

c. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.

d. Topographic information showing existing and proposed ground elevations.

(b) *General standards.*

(1) The following provisions shall apply to all permits:

a. New construction and substantial improvements shall be built according to this section and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.

b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

e. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions a.—h. above, in all special flood hazard areas, the additional provisions shall apply:

i. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the department of conservation and recreation (division of dam safety and floodplain management), other required agencies, and the Federal Emergency Management Agency.

j. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(c) *Elevation and construction standards [44 CFR 60.3].* In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with section 83-422(a)(5) the following provisions shall apply:

(1) *Residential construction.*

a. New construction or substantial improvement of any residential structure (including manufactured homes) in zones A1-30, AE, AH, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus 18 inches. See section 83-422(a)(7) and (8) for requirements in the coastal A, VE, and V zones.

(2) *Non-residential construction.*

a. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus 18 inches. See section 83-422(a)(7) and (8) for requirements in the coastal A, VE, and V zones.

b. Non-residential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by (title of community administrator).

(3) *Space below the lowest floor.* In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

a. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

c. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

2. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
3. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
4. The bottom of all required openings shall be no higher than one foot above the adjacent grade.
5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
6. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(4) *Accessory structures.*

a. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of section 83-423(c)(2) or, if not elevated or dry floodproofed, shall:

1. Not be used for human habitation;
2. Be limited to no more than 600 square feet in total floor area;
3. Be useable only for parking of vehicles or limited storage;
4. Be constructed with flood damage-resistant materials below the base flood elevation;
5. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
6. Be anchored to prevent flotation;
7. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
8. Shall be provided with flood openings which shall meet the following criteria:

i. There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.

ii. The total net area of all flood openings shall be at least one square-inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the

certification requirement may be satisfied by an individual certification or an evaluation report issued by the ICC Evaluation Service, Inc.

iii. The bottom of each flood opening shall be one foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.

iv. Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

9. A signed declaration of land restriction (non-conversion agreement) shall be recorded on the property deed.

(5) *Standards for manufactured homes and recreational vehicles.*

a. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in section 83-422(a)(8) and section 83-423(b) and (c).

b. Recreational vehicles placed on sites must either:

(i) Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or

(ii) Meet all the requirements for manufactured homes in section 83-423(c)(5).

(d) *Standards for subdivision proposals.*

(1) Reserved.

(2) All subdivision proposals shall be consistent with the need to minimize flood damage;

(3) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(4) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

(5) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a flood insurance study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

(Ord. No. O-2024-13, 7-22-24)

Sec. 83-424. Existing structures in floodplain areas.

(a) Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

(1) The floodplain manager has determined that:

a. Change is not a substantial repair or substantial improvement; and

b. No new square footage is being built in the floodplain that is not compliant; and

c. No new square footage is being built in the floodway; and

d. The change complies with this ordinance and the VA USBC; and

e. The change, when added to all the changes made during a rolling five-year period does not constitute 50 percent of the structure's value.

(2) The changes are required to comply with a citation for a health or safety violation.

(3) The structure is a historic structure and the change required would impair the historic nature of the structure.

(Ord. No. O-2024-13, 7-22-24)

Sec. 83-425. Floodplain variances: Factors to be considered [44 CFR 60.6].

(a) Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the board of zoning appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the board of zoning appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

(b) While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

(c) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(d) In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the one percent chance flood elevation.

(2) The danger that materials may be swept on to other lands or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a waterfront location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(10) The safety of access by ordinary and emergency vehicles to the property in time of flood.

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(12) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(13) No variance shall be granted for an accessory structure exceeding 600 square feet.

(e) Such other factors which are relevant to the purposes of this section.

(1) The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

(2) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

(3) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief.

(4) The board of zoning appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

(5) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. No. O-2024-13, 7-22-24)

Sec. 83-426. Floodplain management glossary [44 CFR 59.1].

Appurtenant or accessory structure means a non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed 600 square feet[18].

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation means the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is the one percent annual chance flood.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Board of zoning appeals means the board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this section.

Coastal A zone means flood hazard areas that have been delineated as subject to wave heights between one and one-half feet and three feet.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling, or other land-disturbing activities or permanent or temporary storage of equipment or materials.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction means for the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."

Flood or flooding means:

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; or,

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudflows which are proximately caused by flooding as defined in paragraph (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study (FIS) means a report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or *flood-prone area* means any land area susceptible to being inundated by water from any source.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

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

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior; or,
    b. Directly by the Secretary of the Interior in states without approved programs.

Hydrologic and hydraulic engineering analysis means analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letters of map change (LOMC) means a letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of map amendment (LOMA) means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of map revision (LOMR) means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional letter of map revision (CLOMR) means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.

Lowest adjacent grade means the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

New construction means structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after effective date of

the first floodplain management ordinance adopted by the community and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

Post-FIRM: For floodplain management purposes, a structure or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map.

Pre-FIRM: For floodplain management purposes, a structure or other development for which the "start of construction" occurred before the effective date of the initial flood insurance rate map.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.

Recreational vehicle means a vehicle which is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light duty truck; and,
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive loss structure means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a ten-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure means a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which four or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding $5,000.00, and with the cumulative amount of such claims payments exceeding $20,000.00; or (ii) For which at least two separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in article 3, section 3.1 of this ordinance.

Start of construction means for other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a ten-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance require-

ments that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places, or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
(Ord. No. O-2024-13, 7-22-24)

Sec. 83-427. Enactment of floodplain management.

Enacted and ordained on the 22nd day of July 2024. This ordinance, number O-2024-13 of the County of Powhatan, Virginia, shall become effective upon passage.
(Ord. No. O-2024-13, 7-22-24)

Secs. 83-428, 83-429. Reserved.

ARTICLE VII. USE STANDARDS

Sec. 83-430. Organization.

These use standards apply to all districts created and adopted after August 1, 2013:

(1) Division 1, Standards for Principal Uses and Structures, sets out general standards applicable to all principal uses and structures, and any special standards applicable to particular principal uses.

(2) Division 2, Standards for Accessory Uses and Structures, sets out general standards applicable to all accessory uses and structures, and any special standards applicable to particular accessory uses and structures.

(3) Division 3, Standards for Temporary Uses and Structures, sets out general standards applicable to all temporary uses and structures, and any special standards applicable to particular temporary uses and structures.

(Ord. No. O-2013-07, 9-16-13)

DIVISION 1. STANDARDS FOR PRINCIPAL USES AND STRUCTURES

Sec. 83-431. Principal uses and structures.

(a) *Classification of principal uses.*

(1) *Use types.* Use types identify specific principal land uses. Each use type is defined in Article XI, Definitions. Whereas the residential and institutional use classifications tend to include relatively specific and well-defined use types, the commercial and industrial use classifications tend to include broader uses types, reflecting the wider range and ever-growing variety of commercial and industrial uses existing in the community.

(2) *Use-specific standards.* A particular use category or use type allowable as a principal use in a zoning district may be subject to additional standards that are specific to the particular use. Refer to standards in section 83-432, below, Standards for specific principal uses.

(b) *Multiple principal uses.* Although development may include a single principal use with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., home occupation as accessory to a dwelling, administrative offices as accessory to a school, retail sales establishment, or manufacturing use), development may include multiple principal uses, none of which is necessarily customarily incidental or subordinate to another principal use (e.g., a place of worship combined with a school, a gas station combined with a restaurant, a flex building housing retail, industrial service, and warehousing tenants). A development with multiple principal uses shall include only those principal uses designated as allowed in the applicable zoning district, and each principal use shall be subject to any use-specific standards applicable to the use.
(Ord. No. O-2013-07, 9-16-13)

Sec. 83-432. Standards for specific principal uses.

(a) *General.* Standards for a specific principal use shall apply to the particular individual principal use regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Code. This section is intended to set forth and consolidate the standards for all principal uses for which a reference to this section is provided in Article XI, Definitions. These standards may be modified by other applicable standards or requirements in this Code.

(b) *Agricultural classification.*

(1) *Agriculture.* Animal Production (other than an animal confinement facility); dairy animal production and dairy uses shall comply with standards.

(2) *Agriculture related uses.*

a. General standards. All agriculture related uses shall comply with the following standards:

1. If the use involves the use or servicing of heavy equipment, the site shall have direct vehicular access to/from a paved public street, via frontage or an easement.

2. No more than two points of access to/from a public street are allowed.

b. Farm winery, special impact. Special impact farm wineries shall comply with the following standards:

1. Areas used for regular outdoor performances or activities open to the public shall be designated and shall not exceed 25 percent of the total area of the winery site.

2. Any outdoor performances or activities open to the public shall comply with applicable noise standards in chapter 42, Article II, of the Code of Ordinances.

c. Sawmill, commercial.

1. Hours of operation for the sawmill shall be limited to the hours of 6:00 am to 6:00 pm.

2. Structures or storage areas of the sawmill use shall comply with the minimum setbacks in the table below:

Table 83-432(b)(2)c.: Setbacks for Commercial Sawmill

Size of Structure	*Minimum Setback From Lot Lines*
Up to 3,500 square feet	225 feet
3,500 square feet, up to 5,500 square feet	275 feet
5,500 square feet, up to 7,000 square feet	325 feet

3. Sawdust or wood chip piles at the sawmill shall not exceed a height of 25 feet.

d. Farm worker housing. A maximum of three dwelling units may be occupied by farm workers and their immediate family.

(3) *Animal processing uses.*

a. Minor meat processing.

1. The facility must comply with all applicable state and federal regulations regarding the licensing, inspection, and operation of a meat processing facility including but not limited to permits from the Virginia Department of Agriculture and Consumer Services and the United States Department of Agriculture Food Safety Inspection Service.

2. All buildings and structures must be set back from all property lines a minimum of 500 feet.

3. All processing must occur in the primary building which must be an enclosed structure.

4. Materials may be stored within enclosed accessory buildings. No outdoor storage of products, materials, or machinery is permitted.

5. Animals must be confined in a fully enclosed area within the building or in an accessory structure.

6. In the Agricultural 10 (A-10), Agricultural 20 (A-20) and Animal Confinement (AC) Districts, a minimum of 20 acres is required for a minor meat processing facility.
7. A perimeter buffer Type C as outlined in section 83-461(e) will be required with an adjacent parcel when the meat processing structure is located less than 1,000 feet from an abutting residential structure measured from the closest edge of these structures to each other. The buffer width at the property line shall be calculated to be 200 feet on either side of a line measuring the distance between the two structures at the point where the line intersects the property line.
8. Animals may only be kept overnight on the property if the following standards are met:
    i. Animals must be kept in a fully enclosed area within the building or in an accessory structure.
    ii. Overnight supervision is required. Overnight supervision can be accomplished through an employee onsite or through appropriate electronic monitoring.
    iii. No more than ten animals may be kept overnight.

(c) *Residential classification.*

(1) *Household living uses.*

a. Dwelling, duplex. Duplex dwellings shall comply with the following standards:
    1. Only one dwelling shall be allowed on a single lot.
    2. In the Single-family Residential-2 (SFR-2) District, duplex dwellings shall have a single entrance on any individual building facade.

b. Dwelling, live/work. Live/work dwellings shall comply with the following standards:
    1. The residential portion of the building shall be located behind and/or above the nonresidential portion of the building.
    2. The nonresidential portion of the building shall be at least 500 square feet in area or 25 percent of the total floor area of the building, whichever is greater.
    3. At least one resident of a live/work dwelling shall be engaged in the commercial activity performed within the nonresidential portion of the building.
    4. Commercial activity performed within the nonresidential portion of the building shall be limited to those uses permitted by the regulations of the zoning district in which such unit is located.
    5. There shall be no more than one dwelling unit within the residential portion of the building.

c. Dwelling, manufactured home. Manufactured home dwellings shall comply with the following standards:

1. The minimum floor area shall be 750 square feet.
2. The ceiling of crawl spaces under manufactured homes shall be at least 20 inches above grade.
3. Manufactured home dwellings shall have skirting installed in accordance with the building code. Compliant skirting materials include metal skirts, concrete blocks, ornamental wood, or stone.
4. All wheels, axles, transporting lights, tongue, and moving hitch shall be removed before occupancy of the dwelling.
5. Manufactured home dwellings shall be secured with proper tie down equipment.
6. All storage tanks shall be concealed, except for any necessary ventilation.
7. Manufactured home dwellings shall have two doors to provide access and egress.
8. Only one dwelling shall be allowed on a single lot—provided, however, that a manufactured home dwelling may be placed as the second dwelling on a lot in the A-10 District with approval of a conditional use permit, provided the two dwellings comply with the density standard applicable in the district.

d. Dwelling, single-family detached. Single-family detached dwellings shall comply with the following standards:

1. A single-family detached dwelling consisting of an "on-frame" modular home where the home (or sections thereof) is constructed on a permanent chassis and placed onsite with the chassis exposed shall have skirting comparable to that required for manufactured homes by the building code.

2. Only one dwelling shall be allowed on a single lot—provided, however, that a single-family detached dwelling may be constructed as the second dwelling on a lot in the A-10 District, provided the two dwellings comply with the density standard applicable in the district, with private road standards, and all other applicable standards.

e. Dwelling, three- or four-family. Three- or four-family dwellings shall comply with the following standards:

1. Only one dwelling shall be allowed on a single lot.

2. The dwelling shall be configured through massing, door placement, centralized parking location, and use of exterior materials to give the dwelling the appearance of a large single-family detached home.

3. Ground-floor dwelling units shall be accessed via internal corridors or from individual exterior porches or stoops served by a designated walkway, and upper-story dwelling units shall be accessed via internal corridors, common stairways, or individual stairways.

4. The dwelling shall not have vehicular access via more than one driveway from any abutting street, unless via a circular drive.

f. Manufactured home park. Manufactured home parks shall comply with the following standards:

1. General.

i. The overall density of dwellings in a manufactured home park shall not exceed eight units per gross acre or six units per net acre. Floodplains and other areas consisting of adverse topographic features shall not be included in density calculations.

ii. Each manufactured home shall be located within a designated manufactured home space, whose corners are clearly marked by permanent ground markers corresponding to the approved plan for the park.

2. Dimensional standards.

i. The minimum area of a manufactured home space shall be 4,500 square feet.

ii. The minimum width of a manufactured home space shall be 2.5 times the width of the manufactured home, or 25 feet, whichever is greater.

iii. No manufactured home shall occupy more than 25 percent of the manufactured home space on which it is located.

3. Locational standards.

i. Manufactured homes shall be located at least 25 feet from streets internal to the manufactured home park, as measured from the closest exterior wall.

ii. Manufactured homes shall be spaced at least 25 feet from each other and from any service buildings, except that minimum spacing between the facing ends of manufactured homes shall be 20 feet.

4. Patio standards. Each manufactured home unit shall include an outdoor patio space that is at least 250 square feet in area and is directly accessible from an entranceway to the manufactured home.

5. Streets. Streets in manufactured home parks shall meet all state and county requirements for applicable roadways, and comply with the following standards:

i. Streets providing frontage to individual manufactured home spaces and collector streets with no parking shall be hard surfaced and be at least 24 feet wide.

ii. Cul-de-sac streets shall be at least 24 feet wide and have a turning radius of 35 feet.

6. Miscellaneous standards.

i. Manufactured home parks shall not operate as closed parks in which entry is denied to those who do not own or lease a home from the dealer, park owner, or operator.

ii. No manufactured home park may serve as a general retail or wholesale establishment. Demonstration sites or storage areas for manufactured homes are prohibited.

iii. Each manufactured home park shall provide at least one multi-purpose recreational area, the area of which shall be at least the greater of 10,000 square feet or ten percent of the total area of the manufactured home park.

iv. All utilities shall be located underground, with no overhead wires allowed, except for control instrumentation and substations, which shall be screened in accordance with section 83-465, Screening, of Article VIII, Development Standards.

(2) *Group living uses.*

a. Continuing care retirement community. The major component parts of a continuing care retirement community shall each comply with the standards applicable to the principal use most closely representing the component—i.e., nursing home standards for the skilled nursing services components, assisted living facility standards for assisted living services component, and single-family, duplex, townhouse, and/or multifamily dwelling standards, as appropriate, for the independent living component.

b. Rooming or boarding house. Rooming and boarding houses shall comply with the following standards:

1. Rooms shall be rented to no more than four persons at any one time;

2. The owner shall maintain the house as a primary residence;
3. Sleeping rooms in a rooming house shall:
   i. Not include individual kitchen facilities; and
   ii. Be accessed by a common room or hallway, and shall not have individual access to the outside (except for emergency exits).

(d) *Institutional classification.*

(1) *Communication uses.*

a. Telecommunications facility.

1. Purpose. This section is intended to establish general standards for the siting of telecommunications towers and collocated telecommunications facilities that will:
   i. Enhance the effective and efficient provision of advanced telecommunication services throughout the county;
   ii. Strongly encourage the collocation of telecommunications facilities on existing towers and other structures as preferred options to construction of additional telecommunications towers;
   iii. Minimize the total number of new towers throughout the county by providing incentives for the use of existing structures;
   iv. Encourage towers to locate in nonresidential areas, especially along the Route 60 corridor, and protect residential areas and land uses from potential adverse impacts of towers;
   v. Encourage the location of towers, to the extent possible, in areas where the adverse impact on the community will be minimal;
   vi. Minimize the adverse visual impact of towers and antennas through carefully siting, configuration, design, and screening;
   vii. Encourage public/private partnerships, where possible, to promote the telecommunications needs of the county, especially in association with fire and emergency rescue services;
   viii. Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure; and
   ix. Assure that towers comply with all federal and state regulations.
2. Applicability.
   i. Unless exempted in subsection 3, exemptions, below, any new telecommunications facility—whether a principal or accessory use—shall be subject to the standards in this subsection a., telecommunications facility.
   ii. An existing use or an existing structure on the same lot shall not preclude the installation of towers or antennas on such lot. For

purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the towers or antennas may be located on leased area within such lots.

iii. Towers that are constructed and antennas that are installed in accordance with the provisions of this subsection shall not be deemed to constitute the expansion of a nonconforming use or structure.

3. Exemptions. The following shall be exempt from the standards of this subsection (but may be subject to other relevant standards in this chapter, such as accessory use or design standards):

i. Telecommunications towers that are 35 feet or less in height in any district, or are 100 feet or less in height in the I-1 or I-2 District.

ii. Satellite dish antennas, as an accessory use (see accessory use standards in Section 83-438(u), Satellite dish);

iii. Antennas used solely for broadcast radio or television reception, as an accessory use (see section 83-438(y), Television or radio antenna);

iv. Antennas legally operated by FCC-licensed amateur radio operator (see section 83-438(c), Amateur radio antenna);

v. Emergency telecommunications facilities owned by the county or other public agency that are used wholly or in part for public safety or emergency communication purposes; and

vi. Portable wireless telecommunications facilities temporarily used for emergency purposes for not more than 180 days after declaration of an emergency or disaster by a responsible official of the county, state, or federal government.

4. Timely action of telecommunications facility applications. The county shall process all applications for a telecommunications facility in a timely manner in accordance with the review procedures in Article II, Administration, and shall make a decision on such applications within a reasonable period of time after the application is submitted and determined complete (see application submittal and acceptance under Article II, Administration, taking into account the nature and scope of the application.

5. Telecommunications facility, collocated.

i. The placement of an antenna on or in an existing structure such as a building, sign, light pole, utility pole, transmission/utility tower, water tank, or other free-standing structure or existing tower or pole is allowed by right, without the need for a conditional use permit, so long as placement of the antenna does not increase the height of the existing structure or tower by 20 feet or 25 percent, whichever is less.

ii. A collocated antenna shall not require additional lighting pursuant to FAA or other applicable requirements.

iii. A collocated antenna use also may include the placement of additional buildings or other supporting equipment used in connection with placement of the antenna so long as auxiliary building or equipment is placed within the existing structure or property and is necessary for such use.

iv. Where antennas are collocated on a structure other than a telecommunications tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

6. General standards for all telecommunications facilities.

i. Compliance with federal standards. All towers and antennas 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 and antennas. This requirement includes meeting all regulatory emission standards established by the FCC.

7. Telecommunications towers.

i. Requirements for collocation.

A. No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas. 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 applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

B. Except where height, structural, mechanical, or regulatory factors prevent collocation, a proposed tower shall be designed to accommodate the present and future needs of its owner and collocated antennas by at least three other telecommunications providers, subject to mutually agreeable terms and conditions negotiated between the owner and collocating providers. Any purported height, structural, mechanical, or regulatory limitations to collocation shall be described in a report submitted with the development application for the tower.

C. Owners of towers shall provide the county collocation opportunities as a community benefit to improve communications for county departments and emergency services, provided it does not conflict with the collocation requirement in subsection B above. The owners of the tower shall provide the county with the right of first refusal to any available colocation spaces at no cost to the county—provided, however, that the county shall be responsible for placing and maintaining its own equipment.

ii. Height. To permit collocation, towers shall be designed and constructed to permit extensions to a maximum height of 199 feet, except as otherwise provided in the approved conditional use permit.

iii. Setbacks. All towers shall be set back from any property line and from an existing residential dwelling on the same parcel by a distance equal or exceeding 120 percent of the tower height, and from an existing residential dwelling on an adjacent property by at least 500 feet, or 200 percent of the tower height, whichever is greater. Setbacks shall be measured from the base of the tower. These setback requirements do not apply from residential dwellings constructed subsequent to erection of the tower. These provisions may be modified by the board of supervisors during the conditional use permit review process, based upon the review and recommendation by the director and the planning commission.

iv. Design.

A. Towers may be designed as lattice towers, monopole towers, or as stealth towers (where the tower is designed to look like some other tall natural object (e.g., tree) or manmade structure (e.g., light standards, sculptures) allowed in the area).

B. Towers shall either maintain a flat, non-glossy, nonreflective galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

C. Auxiliary buildings and related structures shall, to the extent possible, be designed to use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding structures.

D. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting, beacons, and/or other safety devices are required, they shall be designed to minimize disturbance to the surrounding uses.

E. No advertising of any type may be placed on the tower or accompanying facility.

F. A type C perimeter buffer shall be provided around the entire facility, including support buildings (see section 83-460, Tree protection and section 83-461, Landscaping, and buffers, of Article VIII, Development Standards).

G. A fence at least six feet high shall be provided around the base of the tower and any associated equipment.

v. Other standards.

A. The provider shall lease sufficient land area around the tower to maintain control and safety of the existing mature tree growth and natural land forms within 100 feet of the tower base.

B. To ensure the structural integrity of towers, the provider shall ensure that a tower is designed and maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

C. The owner of the tower shall submit a report to the administrator once a year no later than July 1 that states the current user status of the tower and assesses the sufficiency and expiration status of the removal bond or other surety.

D. Any cost incurred by the county for review by an independent technical expert of any of the above required information shall be paid by the applicant.

8. Removal of abandoned telecommunication facilities.

i. As a condition of approval of a conditional use permit for a telecommunications tower, the owner of the tower shall submit to the director a bond, irrevocable letter of credit, or other appropriate surety acceptable to the county to cover the costs of removing the tower and restoring the tower site to as near its original condition as is reasonably practicable.

A. The amount of the surety shall be such amount found to be necessary after issuance of the conditional use permit for a third party to remove the tower and restore the site to as near its original condition as is reasonably possible.

B. If the surety expires, the county may initiate proceedings to revoke or terminate the conditional use permit ten days after providing the tower owner written notice of the intent to do by first class, certified, return receipt mail. The conditional use permit shall be revoked unless the tower owner submits to the director, before revocation proceedings are concluded, a new surety that is acceptable to the county and includes any costs of processing.

C. The amount of the required surety may be reviewed every three years by the county and be adjusted as necessary.

ii. If a telecommunications facility is abandoned, the owner of the facility shall dismantle and remove the facility and any accessory equipment within 90 days of receiving notice from the county stating that the facility is abandoned and demanding its removal in accordance with this subsection.

iii. A telecommunications facility shall be considered abandoned if:

A. It is not operated by any user for telephone, data, radio or television, or other forms of wireless communication for a continuous period of 12 months, or

B. The FCC license for the tower expires and is not renewed within 12 months thereafter.

iv. Removal of a telecommunications tower includes the removal of the tower structure above ground level, fence footers, and underground cables. Support buildings may remain with the consent of the owner of the tower site provided they comply with the provisions of this chapter.

9. Erosion and sedimentation control regulations. Should the project require the disturbance of more than 10,000 square feet of land area, a land disturbance permit will be required prior to the commencement of construction activity on the site.

10. Submission requirements. Each applicant requesting a conditional use permit for a telecommunications tower shall submit the following information with the conditional use permit application:

i. A site plan consisting of a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by a licensed professional engineer, showing the location and dimensions of all improvements, including information concerning topography, zoning, vegetative buffers, tower height requirements, setbacks from property lines, drives, parking, fencing, landscaping, distances to adjacent uses and adjacent buildings, and the general location of all residential structures and residential zoning district boundaries within 2,000 feet of the proposed tower.

ii. Written or graphic description of the nature and extent of tree coverage within 200 feet of the tower.

iii. Each applicant for an antenna and/or telecommunications tower shall provide to the department an inventory of its existing facilities that are either within the locality or within five miles of the border thereof, including specific information about the location, height and existing use and available capacity of each tower. The department may share such information with other applicants applying for approvals or a conditional use permit under this article or other organizations seeking to locate antennas within the jurisdiction of the county, provided, however that the department shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

iv. A statement justifying the need for the project.

v. A certification from a licensed professional engineer experienced with the design and operation of telecommunications towers and antennas that the emissions from the facility will not exceed the maximum permissible exposure (MPE) standards established by the Federal Communications Commission (FCC).

vi. A certification from a licensed professional engineer, experienced with the design and operation of telecommunications towers and antennas that the emissions from the facility will not interfere with the radio, television or communication reception of any property owners in residence at the time of construction, or any other time.

vii. Verifiable evidence from the applicant of the lack of space on suitable existing towers, buildings, or other structures to locate the proposed antennas and the lack of space on existing tower sites to construct a suitable tower for the proposed antenna. A certified statement from a licensed professional engineer must be provided if radio-frequency interference or signal quality is used as the rationale for eliminating colocation on an existing facility.

viii. A signed statement from the applicant of the willingness and ability based on any lease agreement to allow colocation on the proposed tower and colocation of a second tower on the site, where appropriate. The statement must be signed by an officer of the company or individual authorized to commit the company.

ix. A signed statement from the applicant describing the efforts to be taken to screen or camouflage the facility and reduce its visual impact. The statement should consider at a minimum design, height, location, and landscaping alternatives.

x. A proposed construction schedule.

xi. A figure depicting the radio frequency coverage (or propagation map) of the proposed facility and all nearby facilities. Propagation maps shall show a minimum of three signal intensities in milliwatts.

xii. At least two actual photographs of the site that include simulated photographic images of the proposed tower. The photographs with the simulated image shall illustrate how the facility will look from adjacent roadways, nearby residential areas, or public building such as a school, church, etc. The county staff reserves the right to select the location for the photographic images and require additional images. The applicant at the county's request shall conduct balloon test to demonstrate the height of a proposed tower and provide the County with 48-hour notice of the test.

xiii. One copy of the National Environmental Protection Act (NEPA) statement along with a signed statement from the applicant indicating the Federal requirements are met.

xiv. The county may require other information deemed necessary to assess compliance with the ordinance.

(2) *Day care uses.*

a. Child day care center. Child day care facilities shall comply with the following standards:

1. The facility shall comply with all applicable state regulations regarding the licensing and operations of child care facilities.

2. Outdoor play areas shall be:

i. Safely segregated from accessways, and parking, loading, or service areas; and

ii. Not operated for outdoor play activities after 8:00 p.m.

3. Vehicular access and circulation shall:

i. Be designed to enhance the safety of children as they arrive and leave the facility; and

ii. Provide a designated passenger pick-up and delivery area that includes at least one drop-off/pick-up space per 20 children and is located adjacent to the child day care center in such a way that children do not have to cross vehicular accessways to enter or exit the facility.

(3) *Health care uses.*

a. Hospital. Hospitals shall be:

1. In compliance with all applicable state regulations regarding the licensing and operation of a hospital;

2. Located on a site that has an area of at least five acres and fronts on or has direct access to an arterial or collector street;

3. Served by a public water and wastewater system; and

4. Include vehicular access and circulation systems and exterior signage that provides safe and separate emergency vehicle access to the hospital, with minimal conflicts with pedestrian or other vehicular traffic in the area.

b. Nursing home. Nursing homes shall comply with the following standards:

1. The nursing home shall comply with all applicable state regulations regarding the licensing and operation of a nursing home facility.

2. The site shall have direct vehicular access to and from an arterial or collector street. There shall be no vehicular access to or from any local street, or any such access shall be located and designed to inhibit its regular use.

3. The site shall include security provisions (e.g., fencing) that restrict patients from leaving the property without authorization.

4. Accessory uses to a nursing home may include retail sales of foods and beverages, gifts, books and periodicals, and other convenience items, as long as such accessory retail uses are limited to a floor area not exceeding 1,000 square feet or ten percent of the building's gross floor area, whichever is less.

(4) *Open space uses.*

a. Cemetery. Except as otherwise stated, new cemeteries and expansions of existing cemeteries shall comply with the following standards:

1. The cemetery shall comply with all applicable state and federal regulations regarding the licensing and operation of cemeteries.

2. The cemetery shall include adequate space for the parking and maneuvering of funeral processions.

3. If a cemetery use is combined with a funeral home or mortuary use, the combined use shall comply with the standards (including districts where permitted) applicable to each component use.

b. Community garden. Community gardens shall comply with the following standards:

1. Garden use shall be limited to production of produce for home consumption only.

2. Overhead lighting in community gardens is prohibited.

3. Signage is limited to a single, non-illuminated, flat sign of four square feet in area.
4. Perimeter fencing, including trellises, is allowed in community gardens and is subject to the standards in section 83-466, Fences and walls.
5. The community garden shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

(5) *Other institutional uses.*

a. Convention center. Convention centers shall:

1. Be located on a parcel that has an area of at least five acres; and
2. Be located within a building that is at least 500 feet from any RR-5, R-U, or R-2 District.

b. Halfway house. Any halfway house shall be located at least 2,600 feet from any other halfway house.

c. Place of worship.

1. A place of worship with a seating capacity of more than 300 in the main assembly area that is located in an R-2 or VR Residential District shall be located on a parcel that fronts a minor arterial or collector street.
2. A decision-making authority may grant modifications of the standards applicable to places of worship on finding that the modification is necessary to eliminate a substantial burden on religious exercise, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000), as amended. In doing so, the decision-making authority may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

(6) *Transportation uses*.

a. Airport/airstrip. Airports/airstrips shall:

1. Provide adequate area for safe take-offs and landings in accordance with standards of the Federal Aviation Administration (FAA); and
2. Provide a type C perimeter buffer between the facility and any property used for single-family residential (SFR) and located within 500 feet of the facility (see section 83-461, Landscaping and buffers).

b. Helicopter landing facility. Helicopter landing facilities shall:

1. Provide adequate area for safe take-offs and landings in accordance with standards of the Federal Aviation Administration (FAA); and

2. Provide a type C perimeter buffer between the facility and any property used for single-family residential (SFR) and located within 500 feet of the facility (see section 83-461, Landscaping and buffers).

(7) *Utility uses.*

a. Utility use, major. An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all lot lines.

(e) *Commercial classification.*

(1) *Adult uses.*

a. Adult book or video store; adult theater.

1. Purpose. Adult uses are recognized as having certain serious and objectionable operational characteristics and potentially harmful secondary effects on adjacent areas, particularly when several adult uses are concentrated or when they are located in close proximity to residential neighborhoods and uses involving the assembly of children or other vulnerable or sensitive persons. Special regulation of these uses is necessary to ensure that these adverse effects do not contribute to the degradation or decline of surrounding neighborhoods. The primary intent of the following standards is to prevent the concentration of adult entertainment uses in any one location and separate them from residential neighborhoods and vulnerable uses.

2. Separation standards.

i. No adult use shall be located within 1,000 feet of another adult use, provided that this separation requirement shall not apply to adult uses located in a building with a common roof, a single entrance, and under single proprietorship.

ii. No adult use shall be located within 1,000 feet of a residential zoning district.

iii. No adult use shall be located within 1,000 feet of any of the following uses:

A. Child day care center;

B. Public or private school;

C. Public park, playground, or outdoor recreation facility; or

D. Place of worship.

3. Obstruction of views into building required. All windows, doors, or other apertures in a building containing an adult use shall be blacked out or otherwise obstructed to prevent viewing of the interior of the building from outside.

4. Exterior advertising, displays, and promotions restricted. Except for identification signage allowed in accordance with section 83-488, Signage, no

advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible from a public sidewalk, street, or other public or semi-public area.

5. Presentations in enclosed rooms. Any room or open space in an adult use that is used for a presentation characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas shall have at least 500 square feet of floor area.

(2) *Animal care uses.*

a. Animal shelter; pound; commercial kennel; veterinary clinic. Animal shelters, Pounds, commercial kennels, and veterinary clinics shall comply with the following standards:

1. Any open runs or pens used to house animals shall be located at least 75 feet from any lot line.

2. Animal wastes shall be removed and disposed of properly on a regular basis to keep the premises reasonably free of noxious odor. No animal wastes shall be disposed of at a county convenience center.

3. Proof of vaccinations shall be provided for all dogs kept at the facility.

4. All chemicals used at the facility shall be stored within the principal building and shall be disposed of at an appropriate waste facility.

5. Accessory uses may include grooming services and retail sales of products and service incidental to the animal care use, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.

(3) *Business support services uses.*

a. Conference or training center. Conference and training centers shall comply with the following standards:

1. Snack bar, café, dining, and banquet facilities may be provided for employees, trainees, and conferees, provided the total gross floor area devoted to such facilities does not exceed 20 percent of the total floor area of the principal building.

2. On-site recreational facilities may be provided for use by employees, trainees, or conferees.

3. No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center (e.g., shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

(4) *Eating and drinking establishments.*

a. Bar or lounge; nightclub.

1. Live music and entertainment with or without amplification is permitted.

2. A bar, lounge, or nightclub serving as an accessory use to a principal use shall comply with the standards in division 2, Standards for Accessory Uses and Structures, of this Article VII.

b. *Brewpub.* A brewpub shall comply with all state Alcoholic Beverage Control (ABC) laws with respect to restaurants.

c. *Restaurant, with drive-through service.* Restaurants with drive-through service shall comply with the following standards:

1. Drive-through facilities shall be located at least 100 feet from any residential zoning district.

2. Drive-through service facilities shall be designed with a sufficient number of vehicular stacking spaces to comply with the standards in section 83-455, Off-street parking and loading, and to avoid obstructions to vehicular movement along adjacent streets, through parking areas, and in front of buildings.

3. Drive-through service facilities shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between customer parking spaces and building entrances.

(5) *Recreation/entertainment uses.*

a. *Arenas, stadiums, and amphitheaters.* Outdoor arenas, amphitheaters, and stadiums shall:

1. Be located at least 500 feet from existing child day care centers and residential zoning districts.

2. Be located on a site or parcel with an area of at least five acres.

3. Be located on a site or parcel that, at the primary point of access, has at least 200 feet of frontage on an arterial street.

4. Locate access points to minimize traffic to and through local streets in residential neighborhoods.

5. Provide safety fences, up to the height of eight feet, as necessary to protect the general health, safety, and welfare.

b. *Rural event venues.* Rural event venues shall comply with the following standards:

1. The minimum lot size for a rural event venue shall be ten acres.

2. The maximum combined floor area of any structures associated with the rural event venue shall not exceed 2,500 square feet for every ten acres of parcel area.

3 All buildings, parking areas, loading areas, campsites, recreation areas, and other indoor or outdoor uses shall be located at least of 200 feet from any property line and at least 300 feet from an existing residential dwellings on an adjacent parcel.

4. Overnight accommodations shall be accessory to the primary use of rural event venue and shall not be open to the general public as a standalone use. The maximum length of stay for any guest(s) shall be seven consecutive days.
5. The use of amplified music, public address systems, or similar activities outside of a permanent, enclosed structure shall not be permitted.

(6) *Retail sales and service uses.*

a. *Auction facility.* Auction facilities shall comply with the following standards:
   1. The facility shall operate only between the hours of 6:00 a.m. and 10:00 p.m.
   2. The facility shall meet VDOT entrance requirements. Parking may be paved or graveled surface.

b. Bank or financial institution with drive-through service; drugstore or pharmacy with drive-through service banks, other financial institutions, and drugstores or pharmacies with drive-through service shall comply with the following standards:
   1. The drive-through service facilities shall be located at least 100 feet from any residential zoning district.
   2. Drive-through service facilities shall be designed with a sufficient number of vehicular stacking spaces to comply with the standards in section 83-455, Off-street parking and loading, and to avoid obstructions to vehicular movement along adjacent streets, through parking areas, and in front of buildings.
   3. Drive-through service facilities shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between customer parking spaces and building entrances.

c. *Convenience store.* A convenience store use that is combined with a gas station use shall comply with the standards (including districts where permitted) applicable to each use, including the standards in subsection (e)(8)d., Gas station, below.

   A convenience store located within the 711 Village Special Area Plan shall comply with the additional standards as follows:
   1. A convenience store is allowed only within a shopping center, and only within a building containing at least three uses other than a convenience store.
   2. All uses within the building shall be connected by party walls or partitions to form one continuous structure.
   3. Vehicular access shall be provided only via the shopping center's internal circulation system.

d. *Farmers' market.* A farmers' market shall comply with the following standards:

1. Items for sale may not be displayed or stored within customer pathways.
2. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
3. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

e. *Flea market.* A flea market shall comply with the following standards:

1. Items for sale may not be displayed or stored within customer pathways.
2. If the flea market is conducted outdoors, all items for sale as well as display tables, booths, or any other non-permanent fixtures, must be returned to an enclosed structure at the end of the business day.
3. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
4. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.
5. The market shall have an established plan of ingress and egress.

f. *Shed sales, outdoors.* The outdoor display and storage of sheds for sale shall comply with the following standards:

1. Sheds shall be arranged on the lot in an organized manner.
2. Sheds shall be located to maintain a clearance area in front of any primary building entrances for a depth of at least ten feet, projected straight out from the width of entrance doors.
3. An obstruction-free area at least five feet wide shall be maintained through the outdoor display/sales area or between it and adjacent parking areas and the sales office or any primary buildings on the lot, so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles.
4. Areas dedicated to outdoor display/sales shall be generally level.
5. The total area of permanent structures plus 25 percent of the total area of outdoor display/sales areas shall be used when calculating the required number of off-street parking spaces specified in section 83-455 (Off-street parking and loading).
6. Sheds along the lot's frontage with any roadway:
   i. Units shall face the roadway along which they abut.
   ii. No signage shall be affixed to the façades of sheds (or other structures within the outdoor display/sales area) visible from the roadway.

iii. Either a perimeter landscaping strip that adheres to standards set forth in section 83-461(d)(3) (Vehicular use area landscaping: Perimeter landscaping strips) shall be provided between the outdoor display/ sales area and adjacent roadways, or the front and side areas surrounding sheds shall have a landscaped perimeter at least two feet in width containing landscaping, mulch, stone, or a decorative fence at least two feet in height.

g. *Other retail sales establishment.* Other retail sales establishments shall comply with the following standards:

Other retail sales establishment located within the Courthouse Square Center District shall comply with the additional standards as follows:

1. The maximum building footprint shall be no larger than 5,000 square feet, with the maximum total building size being no larger than 10,000 square feet.
2. Freestanding or building mounted signage shall be smaller-scale and pedestrian oriented. Free-standing signs shall be no larger than eight square feet. Building mounted signs shall be no larger than 13 square feet.
3. Items for sale may not be displayed or stored within pedestrian walkways.

(7) *Self-service storage uses.*

a. Self-service storage facility. Self-service storage or mini-warehouse facilities shall comply with the following standards:

1. Site layout.

i. The lot shall have an area of at least one acre.

ii. If the use includes multiple buildings, the buildings shall be spaced at least ten feet apart.

2. Operation.

i. The only commercial uses permitted on-site shall be the rental of storage bays, the pickup and deposit of goods or property in dead storage, and the incidental sales or rental of moving supplies (e.g., boxes) and equipment (e.g., dollies). Storage bays shall not be used to conduct any commercial or industrial activity, including garage sales or retail sales of any kind, the manufacture, fabrication, or processing of goods, or the servicing or repair of vehicles, small engines, or electrical equipment.

ii. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

iii. No more than one security or caretaker quarters may be developed on the site and it shall be integrated into the building's design.

iv. Except as otherwise authorized in this subsection, all property stored on the site shall be contained entirely within enclosed buildings.

v. Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

vi. If a self-service storage facility use is combined with a vehicle or equipment sales or rental use (beyond the incidental sales or rental authorized in subsection i. above, the combined use shall comply with the standards (including districts where permitted) applicable to each use, including the standards in subsection (e)(8)h., vehicle/equipment sales or rental, below.

3. Storage of recreational vehicles and boats. Open storage of recreational vehicles (RVs) and pleasure boats of the type customarily maintained by persons for their personal use is allowed within a self-service storage facility use provided that the following standards are met:

i. The storage shall occur only within a clearly delineated and designated area.

ii. Outdoor storage areas shall be located to the rear of the principal structure and comply with the standards in division 2, Standards for Accessory Uses and Structures, of this Article VII.

iii. Storage shall not occur within required yards.

iv. Vehicles shall be allowed on the premises overnight for storage only.

4. Parking and circulation.

i. Interior parking shall be provided in the form of aisleways adjacent to the storage bays. These aisleways may be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.

ii. The one- or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.

iii. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.

iv. All accessways shall be paved with asphalt, concrete, or comparable paving materials.

5. Building appearance.

i. Buildings shall be oriented perpendicular to adjacent streets or otherwise designed so that garage doors into individual storage units are not visible from adjacent streets.

ii. The exterior facades of all structures shall receive uniform architectural treatment, with complementary materials and colors. Exterior walls facing a public street or a single-family detached residential dwelling on adjacent property shall not include metal as a primary facade material.

(8) *Vehicle/equipment sales and service uses.*

a. Automotive painting or body shop; automotive repair and servicing. Automotive painting or body shops shall comply with the following standards:

1. If the use has the capacity to service or temporarily store more than five vehicles, it shall be located at least 100 feet from any residential zoning district, school, or child day care center.

2. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

3. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent street rights-of-way.

4. Vehicles shall not be parked or stored as a source of parts.

5. Repair and servicing of all vehicles shall occur within an enclosed building. All automobile parts, dismantled vehicles, and similar materials shall be

stored within an enclosed building or an outdoor storage area that complies with the outdoor storage standards in section 83-438(p), Outdoor storage (as an accessory use).

6. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. If a vehicle is abandoned by its lawful owner before or during the repair or servicing process, it may remain on site after the 30 day period, provided the owner or operator of the establishment demonstrates steps are being taken to remove the vehicle from the premises using the appropriate legal means.

7. If the use is combined with a vehicle/equipment sales or rental use, the combined use shall comply with the standards (including districts where permitted) applicable to each use, including the standards in subsection (e)(8)h., Vehicle/equipment sales or rental, below.

b. Automotive wrecker service. Automotive wrecker service uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district or existing residential use, school, or child day care center.

2. The number of vehicles stored on-site shall be limited to 15 vehicles.

3. Vehicles shall not be stored for more than 90 days.

4. Outdoor vehicle storage may be allowed in an outdoor storage area that complies with the outdoor storage standards in section 83-438(p), Outdoor storage (as an accessory use).

c. Car wash or auto detailing. Car wash and auto detailing uses shall comply with the following standards:

1. Car wash facilities shall be designed with a sufficient number of vehicular stacking spaces to comply with the standards in section 83-455, Off-street parking and loading, and to avoid obstructions to vehicular movement along adjacent streets, through parking areas, and in front of buildings.

2. If a car wash use is combined with a gas station use, the combined use shall comply with the standards (including districts where permitted) applicable to both uses, including the standards in subsection (e)(8)d., Gas station, below.

d. Gas station. Gas stations shall comply with the following standards:

1. If the gas station is located on a corner lot, the lot shall have an area of at least 30,000 square feet and a frontage of at least 150 feet on each street side. In all other cases, the lot shall have an area of at least 15,000 square feet and a lot width of at least 150 feet.

2. The gas station shall be designed to ensure safe and adequate vehicle stacking, circulation, and turning movements.

3. Gasoline pump canopies shall have a maximum clearance height of 15 feet, as measured from finished grade to the underside of the canopy, except where state or federal law requires higher clearances.

4. If a gas station use is combined with a convenience store use or a car wash use, the combined use shall comply with the standards (including districts where permitted) applicable to each use, including the standards in subsection (e)(8)c., Car wash or auto detailing, above.

5. If a gas station use is combined with a repair garage use, the combined use shall comply with the standards (including districts where permitted) applicable to each use, including the standards in subsection (e)(8)a., Automotive painting or body shop; automotive repair and servicing, above.

6. If a gas station use is located within the 711 Village Special Area Plan, then the following additional standards shall apply:

   i. A gas station is allowed only within a mixed-use development or a shopping center;

   ii. Vehicular access shall be provided only via the mixed-use development's or shopping center's internal circulation system (not directly to an existing street);

   iii. The station shall be designed with the same architectural treatment as the mixed-use development or shopping center;

   iv. There shall be no more than two fuel dispensing islands, each with no more than double-sided fuel dispensing units.

e. Parking lot or parking structure (as a principal use). Parking lots and parking structures developed as the principal use of a lot shall comply with the following standard:

1. Parking shall be the principal use of the parking structure. Parking spaces may be rented for parking, and retail sales and service and office establishments may be located on the ground floor of the structure. No other business of any kind shall be conducted in the structure, including repair service, washing, display, or storage of vehicles or other goods.

f. Tire sales and mounting. A tire sales and mounting use shall comply with the following standards:

1. Mounting services shall occur within an enclosed building. Outdoor vehicle storage may be allowed in an outdoor storage area that complies with the outdoor storage standards in section 83-438(p), Outdoor storage (as an accessory use).

2. All automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building or an outdoor storage area that complies with the outdoor storage standards in section 83-438(p), Outdoor storage (as an accessory use).

g. Truck stop. A truck stop shall meet the standards applicable to a gas station (subsection (e)(8)d., above) except that gasoline pump canopies shall have a maximum clearance height of 20 feet above grade except where state or federal law requires higher clearances.

h. Vehicle/equipment sales or rental. Uses primarily involving the sales or rental of new or used automobiles, recreational vehicles (RVs), motorcycles, boats, trucks, tractors, or other mobile vehicles or equipment shall comply with the following standards:

1. No vehicle or equipment displays shall be located within a required yard or perimeter buffer.

2. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level.

3. No vehicles or other similar items shall be displayed on the top of a building.

4. No other materials for sale shall be displayed between the principal structure and the street.

5. If the use is combined with an automotive painting or body shop use or an automotive repair and servicing use, the combined use shall comply with the standards (including districts where permitted) applicable to each use, including the standards in subsection (e)(8)a., Automotive painting or body shop; automotive repair and servicing, above.

(9) *Visitor accommodation uses.*

a. Campground or recreational vehicle park. Campgrounds and recreational vehicle (RV) parks shall comply with the following standards:

1. Size and density.

i. The maximum density shall be 24 camping or RV spaces per acre.

ii. The minimum area of a camping or RV space shall be 1,000 square feet.

iii. The minimum width of a camping or RV space shall be 24 feet.

2. Traffic circulation.

i. Accessways in campgrounds and recreational vehicle parks shall be surfaced with paving or gravel and meet the following minimum width standards:

A. One-way accessways with no parking: Twelve feet.

B. One-way street with parking on one side, or two-way accessways with no parking: Twenty-four feet.

C. Two-way accessways with parking on one side: Thirty-two feet.

D. Two-way street with parking on both sides: Forty feet.

ii. Turnarounds shall be provided for all dead-end roads over 100 feet in length. The minimum radius of a required turnaround shall be 80 feet.

3. Screening. Recreational vehicle parks shall provide a type B perimeter buffer in accordance with section 83-461, Landscaping and buffers.

4. Prohibition of permanent occupancy.

i. Recreational vehicles shall not be used as permanent residences except by the owner, manager, or caretaker.

ii. Removal of the wheels of a recreational vehicle, except for temporary purposes or to attach the vehicle to the ground for stabilizing purposes, is prohibited.

5. Refuse disposal. Storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisances.

6. Accessory uses. Accessory uses may include a management office, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a campground or RV park. In addition, stores, snack bars, restaurants, and other convenience establishments may be allowed as accessory uses subject to the following standards:

i. Such establishments and parking areas primarily related their operation shall not occupy more than five percent of the gross area of the campground or RV park.

ii. Such establishments shall be restricted in their use to occupants of the campground or RV park, or their guests, and shall not present any other evidence visible from any street outside the campground or park that would attract customers other than occupants and their guests.

iii. Such establishments shall have direct vehicle accessible only from within the campground or park, and not from a public street.

b. Hotel or motel. Hotels and motels shall comply with the following standards:

1. Up to 15 percent of the gross floor area of a hotel or motel may be devoted to business-related accessory uses other than eating and drinking establishments—including management/employee offices, meeting rooms, business centers, banquet halls, retail services such as newsstands and gift shops, and similar uses—provided the use is conducted primarily to service hotel or motel guests and patron entrances to such uses are from inside the principal building.

2. Up to 20 percent of the gross floor area of a hotel or motel may be devoted to eating and/or drinking establishments as an accessory use. The eating and/or drinking establishment(s) may have a patron entrance from outside the principal building.

(f) *Industrial classification.*

(1) *Extraction uses.*

a. General standards. All extraction uses shall comply with the following standards:

1. All equipment, buildings and premises used for such purposes shall be constructed, maintained, and operated in such a manner as to reduce, to the maximum extent possible, noise, dust, or vibrations that could be injurious to persons living in the vicinity.

2. All vehicular accessways on the site and all access points onto the site from a public street shall be located to secure safety, to lessen congestion, and to facilitate transportation. Such accessways and access points shall be maintained as to eliminate any nuisance from dust to the neighboring properties.

(2) *Industrial service uses.*

a. General industrial services. General industrial services uses shall comply with the following standards:

1. Repair of all motors and other large equipment shall occur within an enclosed building.

2. Outdoor storage may be allowed in an outdoor storage area that complies with the outdoor storage standards in section 83-438(p), Outdoor storage (as an accessory use).

3. The use shall use nonflammable liquids for any cleaning processes conducted on-site that emit no odor, fumes, or steam detectable to normal senses from off the premises.

b. Heavy equipment repair and servicing. Heavy equipment repair and servicing uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district or existing residential use, school, or child care center.

2. Heavy equipment shall not be stored as a source for salvaged parts.

3. All repairs of heavy equipment shall be conducted on a paved surface.

4. The service bays shall not be oriented in the direction of the main road or highway providing access to the property.

5. Outdoor storage of heavy equipment may be allowed in an outdoor storage area that complies with the outdoor storage standards in section 83-438(p), Outdoor storage (as an accessory use).

c. Heavy equipment sales, rental, or storage. Uses primarily involving the sales, rental, or storage of heavy equipment shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district or existing residential use, school, or child day care center.

2. No heavy equipment displays shall be located within a required yard.
3. The use shall not have more than one heavy equipment display pad for every 100 feet of street frontage.
4. No heavy equipment shall be displayed on the top of a building.
5. All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.
6. A sales, rental, or storage use with repair and servicing shall also comply with the standards in subsection (f)(2)b., Heavy equipment repair and servicing, above.

(3) *Manufacturing and production uses.*

a. Asphalt or concrete plant. An asphalt or concrete plant use shall comply with the following standards:

1. The lot containing the use shall front on a paved public street with a right-of-way at least 50 feet wide.
2. Any outdoor storage of equipment or materials shall be located to the rear of the principal structure and comply with the outdoor storage standards in section 83-438(p), Outdoor storage (as an accessory use).
3. All areas used for outdoor storage shall have a hard surface that avoids dust and safeguards groundwater.
4. The use shall be designed to ensure proper functioning of the on-site transportation circulation system.
5. A type C perimeter buffer shall be provided along all perimeters of the site (see section 83-461, Landscaping and buffers).
6. All exterior towers and equipment shall be rust-proofed.

b. Manufacturing, assembly, or fabrication, heavy. Manufacturing, assembly, or fabrication, heavy uses shall comply with the following standards:

1. The use shall be located at least 500 feet from any residential district or existing residential use, school, or child day care center.
2. Outdoor storage areas shall be located to the rear of the principal structure and comply with the outdoor storage standards in section 83-438(p), Outdoor storage (as an accessory use).
3. The use shall be designed to ensure proper functioning of the on-site transportation circulation system.
4. All exterior towers and equipment shall be rust-proofed.

c. Manufacturing, assembly, or fabrication, light. Light manufacturing, assembly, or fabrication uses shall comply with the following standards:

1. In the CC District, a light manufacturing, assembly, or fabrication use is allowed only subject to the following standards:
   i. The use shall be within an enclosed building;

ii. The building housing the use shall have a total gross floor area of 10,000 square feet or less;

iii. The activities associated with the use shall have minimal environmental impacts—such as noise, pollution, and vibration—on surrounding area such that they are not detectable to the normal senses off the lot.

iv. The use shall have an accessory retail and/or office use.

d. Artisan food and beverage production. Artisan food and beverage production uses shall comply with the following standards:

1. The use shall have a total gross floor area of 3,500 square feet or less, except that within the Light Industrial (I-1) District or Heavy Industrial (I-2) District the use shall have a total gross floor area of 5,000 square feet or less.

2. The activities associated with the use shall be located within an enclosed building. No outdoor storage areas shall be permitted.

3. The use may have an accessory retail and/or office use.

(4) *Warehouse and freight movement uses.*

a. Outdoor storage (as a principal use). Outdoor storage uses shall comply with the following standards:

1. Areas used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet high in accordance with section 83-466, Fences and walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

2. A type C perimeter buffer shall be provided between the outdoor storage area and the front lot line, a type C buffer between the storage area and any lot line abutting a street, and a type B buffer between the storage area and any other lot line (see section 83-461, Landscaping and buffers).

3. Customers and vehicles shall be allowed to circulate through the area used for outdoor storage.

b. Truck or freight terminal and warehouse distribution and storage. Truck or freight terminals and warehouse distribution and storage uses shall:

1. Be located at least 500 feet from any residential district or existing residential use, school, or day care center;

2. Not locate storage areas within a required yard;

3. Locate outdoor storage areas to the rear of the principal structure and comply with the outdoor storage standards in section 83-438(p), Outdoor storage (as an accessory use); and

4. Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

(5) *Waste-related uses.*

a. Hazardous material collection site. Hazardous material collection sites shall:

1. Be located on a site with an area of at least three acres;
2. Be located at least 1,000 feet from any existing residential district, school, or child day care center;
3. Be surrounded by a solid fence or concrete or masonry wall that is at least six feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property; and
4. Comply with state hazardous material management regulations, permitting requirements, and permit conditions.

b. Junkyard or salvage yard. Junkyards and salvage yards shall:

1. Be located on a parcel with an area of at least three acres;
2. Not be located within 50 feet of any property line (except that a freestanding office need only comply with generally applicable yard requirements); and
3. Be screened with an opaque fence or wall no less than eight feet in height in accordance with section 83-466, Fences and walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

c. Land clearing debris disposal facility. Land clearing debris disposal facilities shall comply with the following standards:

1. The use shall be set back at least 300 feet from any residential district or existing residential use, school, or child day care center.
2. A type C landscape buffer shall be provided around the perimeter of the lot (see section 83-461, Landscaping and buffers).
3. Access to the use shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
4. The use shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable.
5. The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.

d. Resource recovery facility. Resource recovery facilities shall comply with the following standards:

1. All processing of salvage and/or recycled materials shall be conducted entirely within an enclosed building.
2. The facility shall be located at least 250 feet from any residential district or existing residential use, education use, or child day care center.
3. Except for a freestanding office, no part of the facility shall be located within 50 feet of any property line.

4. All loading or unloading of materials shall occur inside a building or by dock-type facilities designed to allow loading or unloading directly into a building.
5. Outside storage of materials or equipment is prohibited.
6. All loading and vehicular use areas shall consist of a durable asphalt or concrete surface which includes adequate onsite area for the stacking of trucks and trailers waiting to be loaded and unloaded.
7. Only limited sorting, separation, or other processing of deposited materials shall occur on the site.
8. There shall be no collection or storage of hazardous or biodegradable wastes on the site.
9. The entire site shall be maintained at all times in a clean, litter-free condition and shall be cleared of loose debris on a daily basis.
10. The use shall comply with any applicable state solid waste management regulations, permitting requirements, and permit conditions.

e. Recycling drop-off center. Recycling drop-off centers shall comply with the following standards:

1. The collection bin(s) shall be located in or adjacent to an off-street parking area and shall not occupy more than five percent of the total area of the parking area.
2. The collection bin(s) shall be covered or have a lid and be maintained in good appearance, and the adjacent area shall be kept free of trash.
3. The collection bin(s) shall be at least ten feet from any lot line.
4. There shall be no collection or storage of hazardous or biodegradable wastes on the site.
5. The center shall be screened on three sides with a solid fence or masonry wall in accordance with section 83-465, Screening. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

(6) *Wholesale uses.*

a. Wholesale trade establishment. Any outdoor storage component of a wholesale trade establishment use shall comply with the standards in section 83-438(p), Outdoor storage (as an accessory use).

(Ord. No. O-2013-07, 9-16-13; Ord. No. O-2014-29, 11-3-14; Ord. No. O-2015-06, 5-4-15; Ord. No. O-2017-06, 3-27-17; Ord. No. O-2019-05, 1-28-19; Ord. No. O-2019-11, 2-25-19; Ord. No. 2019-20, 4-24-19; Ord. No. O-2021-13, 6-28-21; Ord. No. O-2022-05, 2-28-22; Ord. No. O-2023-03, 3-27-23; Ord. No. O-2023-28, § 2, 12-18-23)

Secs. 83-433, 83-434. Reserved.

DIVISION 2. STANDARDS FOR ACCESSORY USES AND STRUCTURES

Sec. 83-435. In general.

(a) *Purpose.* This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use and comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands. Nothing herein shall be deemed to allow dump heaps, as defined herein, therefore keeping or maintaining a dump heap shall be prohibited on any property within the county.

(b) *Applicability.*

(1) Any use that is customarily incidental and subordinate to a principal use of the same lot is allowed as an accessory use to the principal use, and any structure that is detached from a principal structure on the same lot and incidental and subordinate in use and size to the principal structure and the principal use of the lot is allowed as an accessory structure to the principal structure and use, except that in the agricultural districts (A-20, A-10, and A-C) the accessory structure is allowed to exceed the size of the principal structure. Examples of accessory structures are garages, storage sheds, and barns.

(2) Section 83-436, General standards for all accessory uses and structures, establishes general standards that apply to all allowed accessory uses and structures.

(3) Section 83-438, Standards for specific accessory uses and structures, establishes standards that apply to particular types of accessory uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

(4) These standards may be modified by other applicable requirements in this Code. The uses are organized alphabetically.

(Ord. No. O-2013-07, 9-16-13; Ord. No. O-2013-09, 2-3-14; Ord. No. O-2019-15, 3-25-19)

Sec. 83-436. General standards for all accessory uses and structures.

(a) *Relationship to principal use or structure.*

(1) An accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.

(2) If the principal use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.

(b) *Location of accessory uses and structures.*

(1) No accessory use or structure shall be located within any platted or recorded easement or over any known utility.

(2) No accessory use or structure shall be allowed in an area designated as a fire lane or emergency access route on an approved site plan.

(3) Except for flagpoles, fences, benches, or parking covers in designated parking areas, no accessory structure shall be located in an area designated as a parking area on an approved site plan.

(4) No accessory structure shall be located in a required front yard except as allowed with Article XII, Interpretation.

(5) Accessory structures may be located in a required side yard or rear yard, subject to any limitations in Article XII, Interpretation, provided that they shall occupy no more than 40 percent of the area of a required rear yard.

(6) Unless otherwise provided above or Article XII, Interpretation, accessory uses and structures shall comply with the minimum yard standards applicable in the zoning district where the structure is located.

(Ord. No. O-2013-07, 9-16-13)

Sec. 83-437. Reserved.

Sec. 83-438. Standards for specific accessory uses and structures.

(a) *Accessory apartment.* Accessory apartments shall comply with the following standards:

(1) Accessory apartments are allowed as accessory uses only to single-family detached dwellings, and are not allowed as accessory uses to two-family dwellings, townhouse dwellings, multifamily dwellings, or manufactured homes.

(2) Not more than one accessory apartment shall be allowed per single-family dwelling.

(3) An accessory apartment shall be allowed only within the principal dwelling structure (e.g., a downstairs apartment) or attached to the principal dwelling structure.

(4) The gross floor area devoted to an accessory apartment shall not exceed 35 percent of the total gross floor area of the principal dwelling to which it is accessory. The floor

area of an accessory apartment shall not be included as part of the floor area of the principal dwelling for calculation purposes of applying limits on home occupations or similar limits imposed by this chapter.

(5) The principal dwelling or the accessory apartment shall be occupied by the owner of the property.

(6) At least one, but no more than two, off-street parking spaces shall be provided for an accessory apartment in addition to off-street parking required for the principal dwelling.

(7) The addition of an accessory apartment to a single-family detached dwelling shall not change the status of the dwelling as a single-family detached dwelling or the lot as the site of a single-family detached dwelling for purposes of applying intensity and dimensional standards.

(b) *Accessory dwelling unit (detached).* Accessory dwelling units as detached structures shall comply with the following standards:

(1) Detached accessory dwelling units are allowed as accessory uses only to single-family detached dwellings, and are not allowed as accessory uses to two-family dwellings, townhouse dwellings, multifamily dwellings, or manufactured homes.

(2) Not more than one detached accessory dwelling unit shall be allowed per single-family dwelling.

(3) A detached accessory dwelling unit may not be located within required yards.

(4) The gross floor area devoted to a detached accessory dwelling unit shall not exceed 35 percent of the total gross floor area of the principal dwelling to which it is accessory, except that within the A-10 zoning district a detached accessory dwelling unit shall not exceed 50 percent of the total gross floor area of the principal dwelling to which it is accessory. The floor area of a detached accessory dwelling unit shall not be included as part of the floor area of the principal dwelling for calculation purposes of applying limits on home occupations or similar limits imposed by this chapter.

(5) The principal dwelling or the detached accessory dwelling unit shall be occupied by the owner of the property.

(6) At least one, but no more than two, off-street parking spaces shall be provided for a detached accessory dwelling unit in addition to off-street parking required for the principal dwelling.

(7) The addition of a detached accessory dwelling unit to a single-family detached dwelling shall not change the status of the dwelling as a single-family detached dwelling or the lot as the site of a single-family detached dwelling for purposes of applying intensity and dimensional standards.

(8) Except within the A-10 zoning district, a detached accessory dwelling unit must be of conventional site-built construction, be assembled and inspected on-site, and meet

the requirements of the adopted building code for residential dwellings. Within the A-10 zoning district, a detached accessory dwelling unit may be a manufactured home, provided that:

a. The structure complies with use standards set forth in section 83-432(c)(1)c. for manufactured home dwellings.

b. Brick, stone, or other materials with a similar appearance, durability, and quality shall be used as a skirting/foundation material.

c. The primary street-facing façade shall incorporate at least three of the following architectural features:

1. A covered porch that is at least 40 square feet in area, with a minimum depth of at least five feet;

2. Shutters adjacent to all windows;

3. Two or more types of exterior cladding (excluding skirting/foundation and roofing materials); and/or

4. A front-facing gable at least eight feet wide on a portion of the façade.

(c) *Amateur radio antenna.* Amateur radio (ham radio) antennas shall comply with the following standards:

(1) The antenna shall not exceed a height of 200 feet above grade.

(2) An antenna attached to a principal structure shall be located on a side or rear elevation of the structure.

(3) A freestanding antenna shall be located to the rear of the principal structure on the lot, but set back from any lot line by a distance equal to or exceeding its height.

(4) The administrator may grant modifications of the above standards if the amateur radio operator can satisfactorily demonstrate that the modification is necessary to reasonably accommodate the operator's amateur radio communications needs, as guaranteed by federal and state law.

(d) *Bed and breakfast inn.* A bed and breakfast inn is allowed as accessory to a dwelling in accordance with the following standards:

(1) No more than ten guest rooms may be made available to transient visitors.

(e) *Canopy, nonresidential drive-through.* Drive-through canopies for nonresidential uses shall comply with the following standards:

(1) For canopies serving gas station uses, travel lanes for vehicular circulation located beneath the canopy shall be considered as part of a gas pump canopy for purposes of measuring front yard depths.

(2) The form, pitch, and materials used for the roof of a canopy covering a drive-through service facility shall be designed to appear as an extension of the roof covering the principal structure.

(3) Canopies shall have a maximum height of 15 feet, as measured from finished grade to the underside of the canopy.

(4) The canopy's design and exterior materials, including any columns, shall match or complement the design and exterior materials used for the principal building.

(5) Canopies covering fuel pumps may include logos or trademarks, but shall not include any other signage or advertising.

(6) In addition to meeting the standards in section 83-469, Exterior lighting, canopies shall not be internally illuminated and any exterior lighting associated with a canopy shall be shielded so that the source of illumination is not visible from off-site areas.

(f) *Clubhouse.* Clubhouses are allowed as accessory to a membership club, a townhouse or multifamily dwelling development, the residential portion of a mixed-use development, or a residential subdivision, in accordance with the following standards:

(1) Food and beverages may only be sold to members or residents and their guests who are actually using the club facilities.

(2) A clubhouse accessory to a residential subdivision development shall be proposed, reviewed, and developed in conjunction with the subdivision, or approved phase thereof.

(g) *Electric vehicle (EV) level 1 or 2 charging station.* Electric vehicle (EV) Level 1 or Level 2 charging stations are allowed as accessory to any principal use, subject to the following standards:

(1) Except where accessory to a single-family, two-family, or mobile home dwelling, EV charging station spaces shall be posted with signage that identifies: the space as reserved only for the charging of electric vehicles; amperage and voltage levels; any enforceable time limits or tow away provisions; and contact information for reporting nonoperating equipment or other problems.

(2) EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

(h) *Electric vehicle (EV) level 3 charging station.* Electric vehicle (EV) Level 3 charging stations are allowed as accessory to principal uses, subject to the following standards:

(1) In crossroads (CR), village center (VC), commerce center (CC), industrial (I-1 or I-2), office (O), commercial (C), and planned development (-PD) districts, EV level 3 charging stations are allowed as accessory uses to automotive repair and maintenance facilities, gas stations, parking lots or parking structures, and any other permitted principal use.

(2) In agricultural (A-20, A-10, or A-C) and Village Residential (VR) Districts, EV level 3 charging stations are allowed as accessory uses to agriculture and agriculture-related uses, multifamily and townhouse dwellings, manufactured home parks, assisted living facilities, continuing care retirement communities, and permitted nonresidential principal uses.

(3) Except where accessory to an agriculture use, EV charging stations shall be posted with signage that identifies: the space as reserved only for the charging of electric vehicles; amperage and voltage levels; any enforceable time limits or tow away provisions; and contact information for reporting nonoperating equipment or other problems.

(4) EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

(i) *Fuel oil or bottled gas distribution or storage, limited.* Limited fuel oil or bottled gas distribution or storage is allowed as an accessory use to convenience stores, grocery stores, retail sales establishments, gas stations, manufactured home parks, and campgrounds and recreational vehicle parks.

(j) *Home occupation.* Home occupations are allowed as accessory to a dwelling use in accordance with the following standards:

(1) No person other than members of the family residing in the dwelling unit shall be engaged in the home occupation, except that up to two persons who are not residents of the dwelling unit may be engaged in the home occupation through approval of a conditional use permit in accordance with Article II, Administration.

(2) The home occupation use shall be clearly incidental and subordinate to the dwelling's use for residential purposes and shall not occupy an area exceeding 25 percent of the floor area of the dwelling unit. Up to 100 percent of the floor area of any accessory building may be used for the home occupation so long as no more than 25 percent of the combined floor area of the dwelling unit and accessory building(s) is used for the home occupation.

(3) The home occupation shall cause no change in the external appearance of the dwelling or premises, and there shall be no visible external evidence other than a sign allowed in accordance with section 83-488, Signage, to indicate that the premises are being used for a home occupation.

(4) No more than two vehicles solely dedicated to the home occupation use shall be parked on the premises at a given time, and shall not include heavy equipment or trucks exceeding 5,000 pounds net weight and having more than two axles. Any additional need for parking generated by the home occupation shall be met with off-street parking that is not located in a required front yard.

(5) Any shipments or deliveries of products or supplies shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. and shall regularly occur only via single rear axle straight trucks or smaller delivery vehicles generally used to serve residential neighborhoods.

(6) No equipment or process shall be used in the home occupation that creates vibration, glare, fumes, odor, or electrical interference (including visual or audible interference with radio or television reception, or fluctuations in line voltage) that can be detected by the normal senses off the lot (if the home occupation is conducted in a single-family detached dwelling or a manufactured home), or outside the dwelling unit (if the home occupation is conducted in any other dwelling unit).

(k) *Home-based business.* A home-based business allowed as an accessory use to a single-family detached dwelling or manufactured home dwelling shall comply with the following standards:

(1) The operator of the business shall be the owner and occupant of the dwelling to which it is accessory.

(2) No more than two persons who are not residents of the dwelling may be engaged in the home-based business.

(3) The business use shall be clearly incidental and subordinate to the dwelling's use for residential purposes and shall not occupy an area exceeding 35 percent of the floor area of the dwelling unit. Up to 100 percent of the floor area of any accessory building may be used for the business use so long as no more than 35 percent of the combined floor area of the dwelling and accessory building(s) is used for the home-based business.

(4) The home-based business shall cause no change in the external appearance of the dwelling or premises, and there shall be no visible external evidence other than a sign allowed in accordance with section 83-488, Signage, to indicate that the premises are being used for a home-based business.

(5) No more than five vehicles associated with the business use (including vehicles used by nonresident employees, customers, delivery services, etc.) shall be parked on the premises at a given time, and shall not include heavy equipment or more than one truck exceeding 5,000 pounds net weight and having more than two axles. Any additional need for parking generated by the business use shall be met with off-street parking that is not located in a required front yard.

(6) Any shipments or deliveries of products or supplies shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. and shall regularly occur only via single rear axle straight trucks or smaller vehicles generally used to serve residential neighborhoods.

(7) No equipment or process shall be used in the home-based business that creates vibration, glare, fumes, odor, or electrical interference (including visual or audible interference with radio or television reception, or fluctuations in line voltage) that can be detected by the normal senses off the lot.

(l) *Home-based landscaping business.* Home-based landscaping business uses are allowed as accessory to a dwelling use in accordance with the following standards:

(1) The use shall comply with the standards for home occupations in subsection (j), Home occupation, above, except that although the business may include employees other than resident family members, such employees are not permitted to work on the dwelling site.

(2) Equipment used for the business shall be limited to residential or commercial mowing equipment and attachments, string trimmers, and a maximum of one trailer for transportation of such equipment.

(3) Only one truck exceeding 5,000 pounds net weight and having more than two axles may be used in the conduct of the limited commercial landscaping business and parked on the dwelling site.

(m) *Home-based truck hauler business.* A home-based truck hauler business allowed as an accessory use to a single-family detached or manufactured home dwelling shall comply with the following standards:

(1) Only one truck or commercial vehicle exceeding 5,000 pounds net weight and having more than two axles shall be allowed, and it shall be parked outside of a required front yard.

(n) *Kennel, private.* A private kennel is allowed as an accessory use in accordance with the following standards:

(1) Residentially zoned lots or parcels on which the kennel is located shall have an area of at least two acres.

(2) Residentially zoned lots or parcels containing less than two acres shall require a conditional use permit.

(o) *Outdoor display and sale of merchandise.* Where the outdoor display and sales of merchandise is allowed as an accessory to retail sales and service uses and wholesale sales uses, it shall comply with the following standards, which are intended to allow such outdoor display and sales to the extent it does not impede the flow of pedestrian or vehicular traffic or create an unsafe condition:

(1) Outdoor display/sales areas shall be depicted on any site plan for the principal use.

(2) All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.

(3) Outdoor display/sales areas shall be limited to no more than one-half of the length of the front or side of the principal building. In the case of a multitenant building, the total amount of outdoor display/sales area for all the in-line tenants combined shall not exceed one-half the aggregate length of the front of the building.

(4) Outdoor display/sales areas shall be located to maintain a clearance area in front of primary building entrances for a depth of at least ten feet, projected straight out from the width of entrance doors.

(5) A obstruction-free area at least five feet wide shall be maintained through the display/sales area or between it and adjacent parking areas for the length of the front building facade, so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles to the building, or along the front of the building, without having to detour around the display/sales area.

(6) No goods shall be attached to a building's wall surface.

(7) The height of the outdoor display shall not exceed eight feet.

(8) The outdoor display/sales area shall be located on an improved surface such as the sidewalk or pavement.

(9) Outdoor display/sales areas shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.

(p) *Outdoor storage (as an accessory use).* Outdoor storage may be allowed as an accessory use in accordance with the following standards:

(1) Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site, and shall be located to the side or rear of the principal structure.

(2) Goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises in conjunction with the principal use.

(3) Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by any combination of an opaque fence, wall, or landscaped berm that is at least six feet high.

(4) Materials in outdoor storage areas shall not be stored higher than the height of the primary structure.

(5) Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

(6) No materials may be stored in areas intended for vehicular or pedestrian circulation.

(7) Nothing herein shall be deemed to allow dump heaps, as defined herein, therefore keeping or maintaining a dump heap shall be prohibited as an accessory use.

(q) *Parking or storage of major recreational equipment on residential lots.* The parking or storing of major recreational equipment on a lot used for residential purposes is allowed as an accessory use, provided the equipment is not [to] be used for living, sleeping, or housekeeping purposes while parked or stored on the lot.

(r) *Parking or storage of large vehicles.* Except as expressly allowed in accordance with this chapter (e.g., in conjunction with a home-based business, home-based truck hauler business, or home-based landscaping business) or as used for activities incidental to permitted agricultural uses, no truck or commercial vehicle exceeding 5,000 pounds net weight and having more than two axles shall be parked or stored in a residential district. This prohibition shall not apply to vehicles used to provide a service to the property on which they are parked (e.g., delivery, solid waste pick-up, repairs) or vehicles used for construction activities on the property on which they are parked (e.g., cement mixers), provided such use is limited to the time reasonably necessary to provide the service or conduct the construction activity.

(s) *Private recycling bins.* Private recycling bins shall comply with the following standards:

(1) All drop-off and storage bins, with the exception of roll-out carts located in townhouse and multifamily developments and recycling containers located on education use sites, shall be located within an enclosed structure or screened from view in accordance with section 83-465, Screening.

(2) Excluding screening, recycling bins shall occupy no more than 500 square feet.

(3) The bins shall not occupy or block access to parking spaces or aisles.

(4) All drop-off bins and roll-out carts shall have a lid or otherwise be covered. The bins shall not use portable shipping containers or tractor trailers for storage.

(5) The bins shall be kept free of litter, debris, and residue.

(t) *Roadside stand.* Roadside stands are allowed as accessory to an agriculture use in accordance with the following standards:

(1) No more than one roadside stand per farm or other agricultural unit is allowed.

(2) Sales shall be limited to agricultural products grown or produced on the site.

(3) A roadside stand shall not exceed 200 square feet in area.

(4) No roadside stand shall be located within 35 feet of any street right-of-way.

(u) *Satellite dish.* Satellite dishes are allowed as accessory to any principal use or structure. Satellite dishes greater than three feet in diameter in a residential district, or greater than six feet in diameter in any other district, shall comply with the following standards to the extent such compliance does not unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of the dish, or preclude reception of an acceptable quality video programming signal. These standards shall be interpreted or enforced consistent with federal and state law.

(1) In a residential district, satellite dishes may be located within a required side or rear yard, but shall not:

a. Be located within a front yard, unless the lot owner can demonstrate that there is no possibility to avoid location in the front yard and still have an obstruction-free reception window to the satellite dish;

b. Be located within five feet of any lot line; and

c. Exceed a height of 15 feet above ground level, where mounted on a mast.

(2) Satellite dishes may be located on the roof of a principal structure, provide it shall not extend more than 12 feet above the roof surface.

(3) Satellite dishes shall be of a neutral and nonreflective color.

(4) The administrator may grant modifications of the above standards if the lot owner or occupant can satisfactorily demonstrate that the modification is the minimum necessary to accommodate reception of an acceptable quality video programming signal, as guaranteed by federal law.

(v) *Shipping container as storage.* Use of a shipping container or similar container for storage purposes is only allowed when accessory to an agriculture use (e.g., for storage of hay).

(w) *Small wind energy system.* Small-scale wind energy systems are allowed as accessory to any principal use or structure in accordance with the following standards:

(1) *Location and setback.*

a. Tower-mounted wind energy systems shall not be located within a front yard.

b. A small wind energy system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower

extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

(2) *Height.* The maximum extended height of a small wind energy system shall be the maximum height allowed in the zoning district plus 150 feet (in agricultural districts) or 50 feet (in all other districts).

(3) *Sound.* Sound produced by the wind turbine shall comply with the noise standards in chapter 42, Article II, of the Code of Ordinances.

(4) *Blade clearance.* The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right-of-ways, driveways, or sidewalks.

(5) *Lighting.* No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

(6) *Access to tower.* On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

(7) *Signage prohibited.* No wind generator, tower, building, or other structure associated with a small wind energy system shall include any signage visible from any public street other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

(8) *Utility notification.* No small wind energy system intended to connect to the electric utility shall be installed until evidence has been submitted to the county that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

(9) *Abandonment.* On determining that a wind turbine has been inoperable for six consecutive months, the administrator shall send the owner a notice and order requiring restoration of the system to operating order within six months after receiving the notice. If the owner fails to restore the system to operating condition within the six-month time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the county may pursue legal action to have the wind turbine removed at the owner's expense.

(x) *Solar energy collection system.* Solar energy collection systems are allowed as accessory to any principal use or structure in accordance with the following standards:

(1) The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with the standards in section 83-436(b), Location of accessory uses and structures.

(2) The system shall comply with the maximum height standards for the zoning district in which it is located, including allowable exceptions thereto, provided that a roof-mounted system shall not extend more than 12 feet above the roofline of the structure on which it is mounted. Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.

(3) The property owner is responsible for negotiating with other property owners in the vicinity to establish any solar easement deemed necessary to protect solar access for the solar energy collection system.

(y) *Television or radio antenna.* A television or radio antenna is allowed as accessory to any principal use or structure provided it is attached to a side or rear elevation of the structure and extends no more than 15 feet above the highpoint of the structure.
(Ord. No. O-2013-07, 9-16-13; Ord. No. O-2018-24, 9-24-18; Ord. No. O-2019-15, 3-25-19)

Secs. 83-439—83-441. Reserved.

DIVISION 3. STANDARDS FOR TEMPORARY USES AND STRUCTURES

Sec. 83-442. In general.

(a) *Purpose.* This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

(b) *Applicability.*

(1) *Subsection (c) below, Prohibited temporary uses and structures,* lists several temporary uses and structures that are expressly prohibited.

(2) *Section 83-443, General standards for all temporary uses and structures,* establishes general standards that apply to all allowed temporary uses and structures.

(3) *Section 83-445, Standards for specific temporary uses and structures,* establishes standards that apply to particular types of temporary uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

(4) These standards may be modified by other applicable requirements in this Code. The uses are organized alphabetically.

(c) *Prohibited temporary uses and structures.* Without limiting the standards of this Code, the following activities are prohibited in all districts:

(1) Retail sales or display of goods, products, or services within the public right-of-way.

(2) Retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container.

(Ord. No. O-2013-07, 9-16-13)

Sec. 83-443. General standards for all temporary uses and structures.

Unless otherwise specified in this Code, any temporary use or structure shall:

(1) Obtain a temporary use permit (if required) and any other applicable county or state permits;

(2) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

(3) Be compatible with the principal uses taking place on the site;

(4) Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;

(5) Not include permanent alterations to the site;

(6) Meet all the yard depth and setback requirements of the underlying base and overlay zoning districts;

(7) Comply with temporary signage standards in section 83-488, Signage;

(8) Not maintain temporary signs associated with the temporary use or structure after the activity ends;

(9) Not violate the applicable conditions of approval that apply to a site or a use on the site;

(10) Not interfere with the normal operations of any permanent use located on the property; and

(11) Be located on a site containing sufficient land area to allow the temporary use or structure to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.

(Ord. No. O-2013-07, 9-16-13)

Sec. 83-444. Reserved.

Sec. 83-445. Standards for specific temporary uses and structures.

(a) *Farmers' market (as a temporary use).* A farmers' market may operate as a temporary use in accordance with the following standards:

(1) The market shall operate on a continuous basis for no more than six months per year on a single site.

(2) The market shall renew all applicable temporary business permits once per calendar year.

(3) Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture,

aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor/producer.

(4) The market shall provide adequate ingress, egress, and off-street parking areas.

(5) Items for sale may not be displayed or stored within customer pathways.

(6) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(7) The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

(8) The market shall comply with applicable signage standards in the section 83-488, Signage.

(b) *Estate sale/auction, garage or yard sale.*

(1) No estate sale/auction, garage, or yard sale shall occur for longer than three days.

(c) *Manufactured home use pending construction of conventional dwelling.* A manufactured home dwelling may be used temporarily while the occupant constructs, rebuilds, or remodels a conventional dwelling as a primary residence, in accordance with the following standards:

(1) Any permit authorizing the temporary manufactured home dwelling shall be conditioned on the permit being valid for a two-year period, subject to extensions in accordance with Article II, Administration.

(2) The temporary manufactured home dwelling shall be placed on the same lot as the dwelling being constructed, rebuilt, or remodeled, or on an adjoining lot that the applicant owns or possesses exclusive leasehold rights to during the permit period.

(3) If placed on the same lot as the dwelling being constructed, rebuilt, or remodeled, the temporary manufactured home dwelling is exempt from the minimum lot area standards of this chapter, provided approval by the county health department is obtained.

(d) *Model sales home/unit.* A single model sales home/unit may be located on a new development site and temporarily used for sales or leasing uses associated with the development, subject to the following standards:

(1) A model sales home shall be located on a lot or building site approved as part of the development, and a model sales unit shall be located within a building approved as part of the development.

(2) The model sales home/unit shall be aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping. Bright, luminescent, or neon colors and highly reflective surfaces are prohibited.

(3) The exterior of the temporary model sales home/unit shall not be used to display advertising other than signage authorized by section 83-488, Signage.

(4) Adequate off-street parking for the real estate sales/leasing use of the model sales home/unit shall be provided, in accordance with the minimum standards for number of off-street parking spaces in section 83-455, Off-street parking and loading.

(5) A model sales home/unit may be used for temporary sales/leasing use for a period of up to four years. This period may be extended for an unlimited number of additional six-month periods, for good cause shown, upon approval of a written request for such an extension submitted to the administrator.

(6) Upon termination of the temporary real estate sales/leasing use of a model sales home/unit, the home/unit shall be converted into a permanent permitted use, replaced with a permanent permitted use, or removed, and any excess parking shall be removed and landscaped in accordance with the vehicular use area landscaping provisions of section 83-461, Landscaping and buffers.

(e) *Outdoor seasonal sales.* A merchant may display and/or sell goods on a temporary basis, without establishing a permanent place of business, subject to the following standards. (The outdoor display and sale/rental of goods as accessory to an already established business is subject to the provisions of section 83-438(p), Outdoor storage (as an accessory use), and does not require a temporary business permit.)

(1) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, parking-space availability, or pedestrian access.

(2) The display or sale of goods, products, and/or services shall not occur in the public right-of-way or within 100 feet of an existing residential use.

(3) The display or sale of products, goods and/or services shall be limited in scope to similar or complementary products, goods, and/or services to those offered by the existing principal use located on the same site. The temporary sale of non-agricultural products, goods, and/or services that differ from the normal range of those offered by an existing principal use shall be prohibited.

(4) Any tent or other temporary structure shall be located so as not to interfere with the normal operations of any permanent use located on the property.

(5) Any tent or other temporary structures shall be located on an improved surface such as asphalt, gravel, or other improved surface.

(6) Off-street parking shall be adequate to accommodate the proposed sale of products.

(7) The temporary display or sale of products shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.

(8) The hours of operation of the temporary sale of products shall be from no earlier than 7:00 a.m. to no later than 10:00 p.m., or the same as the hours of operation of the principal use, whichever is less.

(9) The temporary sales of agricultural products on an individual site shall be limited to no more than 60 days per calendar year. The temporary sale of non-agricultural products on an individual site shall be limited to no more than 20 total days per calendar year.

(f) *Post-disaster temporary dwelling.* The post-disaster temporary dwelling may be an existing accessory structure on the lot, or a manufactured home, recreational vehicle, or other habitable structure placed on the lot, provided the temporary dwelling complies with the following standards:

(1) The temporary dwelling shall meet all applicable health department regulations.

(2) The temporary dwelling shall comply with any additional standards set forth in a declaration of emergency issued by authorized officials in response to the catastrophe.

(g) *Temporary business (other than outdoor seasonal sales).* A temporary business other than outdoor seasonal sales (which are subject to standards in subsection (e) above, Outdoor seasonal sales) shall comply with the following standards:

(1) The temporary business shall be located on the same lot as a previously approved commercial use, provided, however, that a temporary business may operate on a vacant lot provided that the access management standards in chapter 68, Subdivisions, in the Code of Ordinances are met before start of the temporary business.

(2) The temporary business operator shall have written permission from the property owner to operate on the subject property and to use any existing parking.

(3) There shall be a sufficient number of parking spaces on the property to meet the off-street parking required by the temporary business, in accordance with the standards in section 83-455, Off-street parking and loading.

(4) Access to the temporary business shall be via an existing commercial entrance or legal nonconforming entrance serving an existing business.

(5) Any permanent structures constructed for the temporary business shall be approved in accordance with Article II, Administration.

(6) The temporary business shall not operate for more than a total of 180 days in any calendar year.

(7) The temporary business shall comply with the standards for temporary business signage in section 83-488, Signage.

(8) Temporary business owners that sell produce shall be required to post the place of origin of all produce being sold in a prominent on-site location.

(9) Temporary business owners required to obtain a business license in accordance with chapter 18 of the Code of the County of Powhatan, Virginia and Code of Virginia § 58.1-3703 shall display a copy of the license in a prominent on-site location.

(h) *Temporary construction-related structure or facility.* A temporary construction-related structure or facility shall comply with the following standards:

(1) All temporary construction-related structures and facilities shall not be moved onto the project site prior to the issuance of a building permit and shall be removed within 30 days after issuance of the final certificate of occupancy for the constructed development.

(2) A temporary construction-related structure or facility may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structures or facilities on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the final certificate of occupancy of the constructed development.

(3) Parking for employees of the temporary construction-related structure and facility shall be provided.

(i) *Temporary family health care structure.* A temporary family health care structure is allowed as an accessory use to a single-family detached dwelling in accordance with the following standards:

(1) The caregiver shall be the owner or occupant of the single-family detached dwelling.

(2) The caregiver shall be related by blood, marriage, or adoption to, or be the legally appointed guardian of, the mentally or physically impaired person occupying the temporary family health care structure.

(3) The application for a zoning compliance permit authorizing the structure shall include written certification by a physician licensed in Virginia that the mentally or physically impaired person occupying the temporary family health care structure requires assistance with two or more activities of daily living, as defined in Code of Virginia § 63.2-2200.

(4) Only one temporary family health care structure shall be allowed on the lot.

(5) The structure shall be connected to the water, sewer, and electric utilities serving the principal single-family dwelling on the lot and shall comply with all applicable requirements of the Virginia Department of Health.

(6) No signage advertising or otherwise promoting the existence of the structure shall be allowed on the exterior of the structure or elsewhere on the property.

(7) The holder of the zoning compliance permit authorizing the structure shall provide the administrator evidence of compliance with these standards on an annual basis for as long as the temporary family health care structure remains on the lot.

(8) The administrator shall be allowed to inspect the temporary family health care structure for compliance with these standards at reasonable times convenient to the caregiver.

(9) The structure shall be removed from the lot within 60 days of the date on which the structure was last occupied by a mentally or physically impaired person receiving or in need of the required assistance.

(j) *Temporary second dwelling for an elderly or infirm family member.* A temporary second dwelling for an elderly or infirm family member, where allowed as accessory to a single-family detached dwelling, shall comply with the following standards:

(1) The elderly or infirm person occupying one dwelling shall be related by blood, marriage, or adoption to the occupant of the other dwelling.

(2) The application for a conditional use permit authorizing this use shall include written evidence from a physician, psychologist, or other recognized authority that due to the advanced age or physical, emotional, or mental condition of the elderly or infirm person, continuous care by a family member is required, yet residence in the same dwelling is not practical or desirable.

(3) The holder of the zoning compliance permit authorizing the structure shall provide the administrator evidence of compliance with these standards on an annual basis for as long as the temporary second dwelling remains on the lot.

(4) The second dwelling may be either a single-family detached dwelling or a manufactured home.

(5) The elderly or infirm family member may reside in the principal dwelling and the second dwelling may be occupied by the owner of the lot and dwellings.

(6) If the dwelling occupied by the elderly or infirm person is also occupied by that person's spouse, the spouse may continue to reside in the dwelling until the conditional use permit expires.

(7) Within one year after such time as occupancy of the second dwelling no longer complies with these standards, the second dwelling shall be removed from the lot or converted to a conforming use.

(Ord. No. O-2013-07, 9-16-13; Ord. No. O-2013-11, 11-18-13)

Secs. 83-446—83-449. Reserved.

ARTICLE VIII. DEVELOPMENT STANDARDS

Sec. 83-450. In general.

(a) This zoning ordinance and the Powhatan County Subdivision Ordinance (County Code chapter 68, Subdivisions) are the county's primary regulatory tools to implement Powhatan County's 2010 Long-Range Comprehensive Plan. These ordinances provide standards that development must meet and therefore are the links between the recommendations of the plan and the resulting development in the county.

(b) These development standards apply to all districts created and adopted after August 1, 2013.
(Ord. No. O-2013-08, 9-16-13)

Sec. 83-451. Access and circulation.

See chapter 68 (Subdivisions), Code of Ordinances for standards for vehicular, bicycle, and pedestrian access and circulation.

Except that the following modified development standards shall apply within the 711 Village Special Area Plan in addition to the standards in article VIII: Development Standards.

(1) *Access and circulation.*

a. An existing parcel fronting Route 711 may have a single driveway access connection on Route 711, provided that additional driveway connections on Route 711 may be allowed where the parcel has 625 feet or more of frontage along Route 711 or where a traffic impact analysis demonstrates that proposed additional driveway connections will improve the safety and efficiency of travel along Route 711.

b. Access to new lots created along Route 711 shall be provided via shared access, service drives, and/or internal subdivision streets.

c. Residential, commercial, and mixed-use developments shall provide right turn lanes/tapers from Route 711 into the development site that are at least 400 feet long, and shall provide left turn lanes from Route 711 into the development site where recommended by VDOT.

(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2015-06, 5-4-15)

Secs. 83-452—83-454. Reserved.

Sec. 83-455. Off-street parking and loading.

(a) *Purpose and intent.* The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different uses allowed by this chapter. The standards in this section are intended to provide for adequate off-street parking and loading while allowing the flexibility needed to accommodate alternative solutions. The standards are also intended to achieve county policies of preservation of rural patterns of growth while supporting development and redevelopment within targeted village growth areas. The standards intend to accommodate appropriate infill development, and encourage pedestrian-oriented development while avoiding excessive paved surface areas, promoting low impact development, and safeguarding historic resources.

(b) *Applicability.*

(1) *New development.* All new development shall provide off-street parking and loading areas in accordance with the standards of this section.

(2) *Existing development.*

a. Change in use. Except within the Court House Square Center (CHSC) District, any change in use of a legally existing development shall be accompanied by provision of any additional off-street parking and loading spaces required for the change in use to comply with this section to the maximum extent practicable.

b. Expansion and enlargement. Except within the Court House Square Center (CHSC) District, if an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, seating capacity, or other size unit used in this section to determine the minimum number of off-street parking spaces or loading spaces required for the applicable use), additional off-street parking and loading spaces shall be provided in accordance with the requirements of this section as applied to only the expanded or enlarged part of the structure or use.

(3) *Parking and loading plan required.* A parking and loading plan is required for all uses other than agricultural uses and single-family detached and manufactured home dwellings. Such plan may be subject to site plan approval (see site plan provisions of Article II, Administration). The parking and loading plan shall accurately designate the required parking spaces and loading spaces, access aisles, and driveways, and the relation of the off-street parking and loading facilities to the development they are designed to serve, including how the parking and loading facilities coordinate with the vehicular and pedestrian access and circulation systems for the development.

(c) *General standards for off-street parking and loading areas.*

(1) *Use of parking and loading areas.*

a. Except as otherwise provided in section 83-438(q), off-street parking and loading areas required by this section may not be used to park or store unlicensed or inoperable motor vehicles or trailers.

b. Not for display, sale, storage, or servicing. Required parking spaces and loading spaces may not be used for the display of goods for sale, or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

c. Identified as to purpose and location. Off-street parking areas of three or more spaces and all off-street loading areas shall include methods of identifying individual parking spaces and loading spaces and distinguishing such spaces from aisles.

(2) *Surfacing.*

a. Required surfacing.

1. Except as provided for in subsection (ii) below, all off-street parking and loading areas for new development in village growth area districts shall be surfaced with asphalt, gravel, crushed stone, concrete, brick, stone, pavers, aligned concrete strips, or an equivalent material, or an alternative material authorized in accordance with subsection (b) below. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

2. Parking and loading areas accessed only by a "private entrance" or "low volume commercial entrance" (as defined by VDOT's access management regulations) shall be surfaced with tar and gravel, or at least six inches of gravel or stone—provided that the perimeter of any graveled parking area is delineated by bumper blocks, railroad ties, timbers or similar treatments to maintain the integrity of the parking area dimensions.

b. Alternative materials. Pervious or semi-pervious parking area surfacing materials—including, but not limited to, grass, mulch, shell, "grasscrete," or recycled materials such as glass, rubber, used asphalt, brick, block, and concrete—may be used for off-street parking and loading areas on a site, provided such areas are properly maintained and shown on the stormwater management plan. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices, as shown on the stormwater management plan. (See figure 83-455(c)(2)b., Use of alternative materials in a parking lot.)



Figure 83-455(c)(2)b., Use of alternative materials in a parking lot.

(3) *Location and arrangement.*

a. Safe and convenient access.

1. Off-street parking and loading areas shall be provided with safe and convenient access to and from a street using a driveway entrance that complies with the driveway access and design standards in the vehicular access management provisions of chapter 68 (Subdivisions) of the Code of Ordinances.

2. Each off-street parking space and loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.
3. Each off-street parking space and loading space shall be designed so that cars will not back into an egress/ingress lane, if there is only one on a site.
4. Off-street parking areas with three or more spaces shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk, and so an automobile may be parked or unparked without moving another automobile.
5. Off-street loading areas shall be arranged so no loading space extends into the required aisle of a parking lot, and so that no vehicle extends into any public or private drive or street used for traffic circulation during the process of loading and unloading.
6. Off-street loading spaces shall be designed to permit loading and unloading without requiring the moving of any parked motor vehicle.

b. Backing onto streets prohibited. Except for parking areas serving single-family detached, duplex, individual townhouse, and manufactured home dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a street.

c. Placement. The location or placement of off-street parking and loading areas on a development site shall be limited in accordance with the standards of section 83-476, Multifamily and townhouse development standards in village growth area districts; section 83-477, Institutional, commercial, and mixed-use development standards; section 83-480, Large retail establishment standards, and section 83-482, Industrial development standards, as appropriate.

d. Minimum separation. All off-street parking areas in village growth area districts shall be separated at least five feet from buildings to allow room for pedestrian movement and/or landscaping between the building and the parking area. This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials. (See figure 83-455(c)(3)d.: Minimum separation between parking and buildings.)

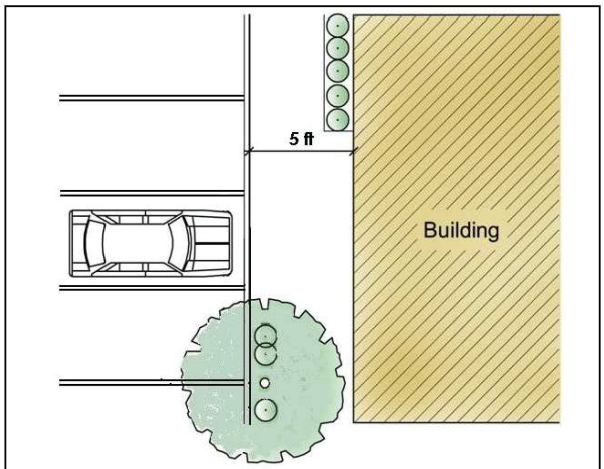


Figure 83-455(c)(3)d.: Minimum separation between parking and buildings.

(4) *Markings.*

a. Except for parking areas serving single-family detached, duplex, individual townhouse, and manufactured home dwellings, each required off-street parking area and space, and each off-street loading area and space, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings—including striping, directional arrows, lettering on signs and in handicapped-designated areas, labeling of the pavement, and field color—shall be maintained so as to be readily visible at all times.

1. Spaces in parking areas with concrete and asphalt surfacing shall be marked by durable painted lines.

2. Spaces in gravel parking lots shall be delineated at the end of the space by an individual block, railroad tie, or timber.

b. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. This requirement does not apply to aisles.

(5) *Drainage.* All off-street parking and loading areas shall be properly drained so as to eliminate standing water and prevent damage to abutting land and public streets and alleys, and shall be designed to comply with the requirements of the Powhatan County Erosion and Sedimentation Control Ordinance.

(6) *Exterior lighting.* Lighting of off-street parking and loading areas shall comply with the standards of section 83-469, Exterior lighting.

(7) *Landscaping.* Off-street parking area shall include landscaping in accordance with the standards of section 83-461, Landscaping and buffers.

(8) *Curbs and motor vehicle stops.*

a. Except for parking areas serving single-family detached, duplex, individual townhouse, and manufactured home dwellings, each off-street parking space shall have curbing or permanently anchored wheel stops to prevent vehicles from overhanging a public right-of-way, sidewalk, walkway, or adjacent property, or from overhanging a landscaped area by more than two feet. (See figure 83-455(c)(8)a., Curb or wheel stop preventing vehicle hanging over landscaped area.)

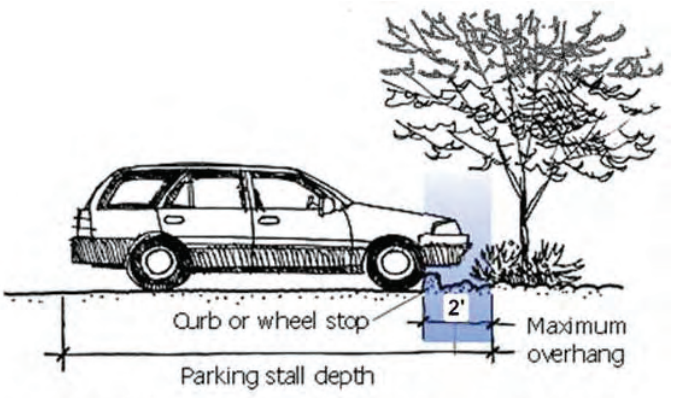


Figure 83-455(c)(8)a., Curb or wheel stop preventing vehicle hanging over landscaped area.

b. When the site will utilize depressed landscape islands, rain gardens, or other techniques to accommodate storm water, appropriate design methods shall be utilized to allow storm water to flow into such areas.

(9) *Maintained in good repair.*

a. Maintained at all times. All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

b. Periodically restored. All off-street parking and loading areas shall be periodically painted or otherwise restored to maintain a clear identification of separate parking spaces or loading spaces

(10) *Completion.* All off-street parking and loading areas shall be completed prior to the issuance of a certificate of occupancy for the development they serve. In the case of phased development, off-street parking and loading areas should only be provided for the phase being developed.

(d) *Off-street parking space requirements.*

(1) *Minimum number of off-street parking spaces.* New development shall provide the minimum number of off-street parking spaces in accordance with table 83-455(d)(1), Minimum number of off-street parking spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space requirements for uses with variable parking demands or unlisted uses shall be in accordance with subsection (2), below, Uses with variable parking demand characteristics and unlisted uses.

Table 83-455(d)(1): Minimum Number of Off-Street Parking Spaces

Use Category	*Use Type*	*Minimum Number of Parking Spaces*
Agricultural Uses		
Agriculture	Animal confinement facility	n/a
	Animal production (other than an animal confinement facility)	n/a
	Crop production	n/a
	Dairy (other than an animal confinement facility)	n/a
	Forestry and logging	n/a
	Greenhouse, nursery, and floriculture production	See section 83-455(d)(2)
Agriculture-Related Uses	Agricultural support (direct)	1 per 500 s.f. + 4 per acre of outdoor sales, display, or service area
	Agricultural support (indirect)	1 per 500 s.f. + 4 per acre of outdoor sales, display, or service area
	Farm winery	1 per employee +1 per 100 s.f. of tasting room
	Farm winery, special impact	1 per employee +1 per 100 s.f. of tasting room
	Farm worker housing	1 per 4 beds
	Horse boarding and equestrian training	1 per 4 stalls plus 1 per employee
	Horse racetrack or show grounds	1 per 4 seats
	Livestock market	See section 83-455(d)(2)
	Sawmill or planning mill	See section 83-455(d)(2)
Residential Uses		

Table 83-455(d)(1): Minimum Number of Off-Street Parking Spaces			
Use Category	*Use Type*		*Minimum Number of Parking Spaces*
Household Living Uses	Dwelling, duplex		2 per dwelling unit
	Dwelling, live/work		2 per dwelling unit
	Dwelling, manufactured home		2 per dwelling unit
	Dwelling, multifamily		2 per dwelling unit
	Dwelling, single-family detached		2 per dwelling unit
	Dwelling, three- or four-family		2 per dwelling unit
	Dwelling, townhouse		2 per dwelling unit
	Dwelling, upper-story		2 per dwelling unit
	Manufactured home park		2 per dwelling unit
Group Living Uses	Assisted living facility		1 per 4 beds
	Continuing care retirement community		Sum of minimums for component uses
	Hospice facility		1 per care room
	Rooming or boarding house		1 per guest room
Institutional Uses			
Communication Uses	Newspaper or magazine publishing		1 per 500 s.f. of office + 1 per 2 printing employees
	Radio or television broadcast studio		1 per 1,000 s.f.
	Telecommunications facility, collocated		1 per service provider
	Telecommunications tower		1 per service provider
Community Service Uses	Community center		1 per 300 s.f.
	Library		1 per 500 s.f.
	Museum		1 per 500 s.f.
Day Care Uses	Adult day care center		1 per 300 s.f.
	Child day care center		1 per 350 s.f.
Education Uses	College or university		1 per 2 students + 1 per employee on largest shift
	Private school	Elementary and middle school	1.5 per classroom + 10 visitor spaces
		High school	1.5 per classroom + 1 per 10 students
	Public school	Elementary and middle school	1.5 per classroom + 10 visitor spaces
		High school	1.5 per classroom + 1 per 10 students
	Vocational or trade school		8 per classroom

Table 83-455(d)(1): Minimum Number of Off-Street Parking Spaces		
Use Category	*Use Type*	*Minimum Number of Parking Spaces*
Government Uses	Correctional facility	See section 83-455(d)(2)
	Courthouse facility	1 per 300 s.f.
	Fire or EMS station	See section 83-455(d)(2)
	Fire training facility	See section 83-455(d)(2)
	Government administrative offices	1 per 300 s.f.
	Government maintenance, storage, or distribution facility	1 per 600 s.f.
	Law enforcement facility	See section 83-455(d)(2)
	Post office	1 per 300 s.f.
Health Care Uses	Hospital	1 per 2 inpatient beds
	Massage clinic	1 per 300 s.f.
	Medical or dental clinic	1 per 300 s.f.
	Medical or dental lab	1 per 300 s.f.
	Medical treatment facility	1 per 300 s.f.
	Nursing home	1 per 3 beds
Open Space Uses	Cemetery	1 per 4 seats in indoor assembly area
	Community garden	2
	Park or greenway	4 per acre
	Public square or plaza	Not applicable
Other Institutional Uses	Civic center	1 per 200 s.f.
	Club or lodge	1 per 100 s.f. of assembly space
	Halfway house	1 per 3 beds
	Homeless shelter	1 per 3 beds
	Place of worship	1 per 4 seats in main assembly area
	Shelter for victims of domestic abuse	1 per 3 beds
Transportation Uses	Airport	1 per 400 s.f. of passenger waiting area + 1 space per 4 tie down spaces
	Helicopter landing facility	1 per 400 s.f. of passenger waiting area
	Surface transportation passenger station/terminal	1 per 400 s.f. of passenger waiting area
Utility Uses	Solar energy farm	See section 83-455(d)(2)
	Utility use, major	See section 83-455(d)(2)
	Utility use, minor	See section 83-455(d)(2)
Commercial Uses		
Adult Uses	Adult book or video store	1 per 300 s.f.
	Adult motion picture theater	1 per 4 seats

Table 83-455(d)(1): Minimum Number of Off-Street Parking Spaces		
Use Category	*Use Type*	*Minimum Number of Parking Spaces*
Animal Care Uses	Animal grooming	1 per 300 s.f. used for boarding (excluding exercise areas)
	Animal shelter	1 per 300 s.f. used for boarding (excluding exercise areas)
	Kennel, commercial	1 per 500 s.f.; 5 minimum
	Veterinary clinic	1 per 500 s.f.
Business Support Service Uses	Business service establishment	1 per 300 s.f.
	Conference or training center	1 per 4 seats
Eating and Drinking Establishments	Bar or lounge	1 per 100 s.f.
	Nightclub	1 per 100 s.f.
	Restaurant with drive-through service	1 per 50 s.f.; 15 minimum
	Restaurant without drive-through service	1 per 100 s.f.
	Specialty eating or drinking establishment	1 per 100 s.f.
Office Uses	Contractor's office	1 per 400 s.f.
	Professional offices	1 per 400 s.f.
	Other office facility	1 per 400 s.f.
Recreation/Entertainment Uses	Amusement park	1 per 3 persons
	Arena, stadium, or amphitheater	1 per 4 seats
	Auditorium or stage theater	1 per 4 seats
	Country club	5 per hole + 1 per 100 s.f. of banquet area
	Fairground	1 per 4 seats
	Golf course	5 per hole
	Marina, commercial	2 + 1 per boat slip
	Marina, noncommercial	2 + 1 per boat slip
	Motion picture theater	1 per 4 seats
	Motorsports park	50 per course
	Recreation facility, commercial indoor	1 per 250 s.f.
	Recreation facility, commercial outdoor	1 per 4 persons
	Recreation facility, nonprofit	1 per 4 persons
	Recreation facility, public	1 per 4 persons
	Rural event venue	1 per 4 seats
	Shooting range	1 per shooting station

Table 83-455(d)(1): Minimum Number of Off-Street Parking Spaces		
Use Category	*Use Type*	*Minimum Number of Parking Spaces*
Retail Sales and Service Uses	Antique store	1 per 300 s.f.
	Art gallery	1 per 300 s.f.
	Art, crafts, music, dance, photography, or martial arts studio/school	1 per 400 s.f.
	Bank or financial institution with drive-through service	1 per 300 s.f.
	Bank or financial institution without drive-through service	1 per 300 s.f.
	Convenience store	1 per 200 s.f.
	Drugstore or pharmacy with drive-through service	1 per 250 s.f.
	Drugstore or pharmacy without drive-through service	1 per 250 s.f.
	Farmers' market	1 per 500 s.f.
	Flea market	1 per 500 s.f.
	Funeral home	1 per 4 seats in main assembly area
	Grocery store	1 per 250 s.f.
	Large retail sales establishment	1 per 250 s.f.
	Lawn care, pool, or pest control service	1 per 300 s.f.
	Liquor store	1 per 250 s.f.
	Personal services establishment	1 per 300 s.f.
	Shopping center	See section 83-455(d)(2)
	Tattoo or body piercing establishment	1 per 300 s.f.
	Other retail sales establishment	1 per 300 s.f.
Self-Service Storage Uses	Self-service storage facility	3 + 1 per 50 units
Vehicle/Equipment Sales and Service Uses	Automotive painting or body shop	1 per 300 s.f.
	Automotive repair and servicing	1 per 300 s.f.
	Automotive wrecker service	1 per 500 s.f. + 1 per 5,000 s.f. of outdoor storage area
	Car wash or auto detailing	2
	Parking lot or parking structure (as a principal use)	Not applicable
	Taxi or limousine service facility	1 per 300 s.f.
	Truck stop	1 per 200 s.f. + 1 truck space per 10,000 s.f. of site area
	Truck hauler business	1 per 400 s.f.
	Vehicle/equipment sales or rental	1 per 400 s.f. + 1 per 3,000 s.f. of outdoor display area
Visitor Accommodation Uses	Campground/recreational vehicle park	2 + 1 per campsite
	Hotel or motel	1 per guest room
Industrial Uses		

Table 83-455(d)(1): Minimum Number of Off-Street Parking Spaces		
Use Category	*Use Type*	*Minimum Number of Parking Spaces*
Extraction Uses	Quarrying or soil excavation	See section 83-455(d)(2)
	Oil or gas extraction	See section 83-455(d)(2)
	Other surface mining	See section 83-455(d)(2)
Industrial Service Uses	Educational, scientific, or industrial research and development	1 per 500 s.f.
	Fuel oil or bottled gas distribution or storage	See section 83-455(d)(2)
	Commercial industrial services	1 per 500 s.f.
	Commercial landscape operation	1 per 500 s.f.
	General industrial services	1 per 500 s.f.
	Heavy equipment repair and servicing	1 per 1,000 s.f.
	Heavy equipment sales, rental, or storage	1 per 1,000 s.f. + 1 per 3,000 s.f. of outdoor display area
	Metal-working, welding, pipe fitting, or woodworking	Greater of 1 per 1,000 s.f. or 1 per employee
	Moving and storage establishment	1 per 1,000 s.f.
	Printing or other similar reproduction facility	Greater of 1 per 1,000 s.f. or 1 per employee
	Woodworking	Greater of 1 per 1,000 s.f. or 1 per employee
Manufacturing and Production Uses	Abattoir	Greater of 1 per 1,000 s.f. or 1 per employee
	Asphalt or concrete plant	See section 83-455(d)(2)
	Bottling plant	Greater of 1 per 1,000 s.f. or 1 per employee
	Brewery, winery, or distillery	See section 83-455(d)(2)
	Manufacturing, assembly, or fabrication, heavy	Greater of 1 per 1,000 s.f. or 1 per employee
	Manufacturing, assembly, or fabrication, light	Greater of 1 per 1,000 s.f. or 1 per employee
	Artisan food and beverage production	1 per 500 s.f.
Warehouse and Freight Movement Uses	Outdoor storage (as a principal use)	1 per 1,000 s.f. of outdoor storage area
	Truck or freight terminal	1 per 500 s.f.
	Warehouse, distribution or storage	1 per 2,000 s.f.
Waste-Related Uses	County convenience center	See section 83-455(d)(2)
	Hazardous material collection site	See section 83-455(d)(2)
	Junkyard/salvage yard	See section 83-455(d)(2)
	Land clearing debris disposal facility	See section 83-455(d)(2)
	Resource recovery facility	1 per 250 s.f.
	Recycling drop-off center	1 per drop-off lane + 1 per employee
Wholesale Uses	Wholesale trade establishment	1 per 400 s.f.

Table 83-455(d)(1): Minimum Number of Off-Street Parking Spaces		
Use Category	*Use Type*	*Minimum Number of Parking Spaces*
Notes: s.f. = square feet 1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number. 2. Where the minimum off-street parking space requirement is based on the number of seats, all computations shall be based on the design capacity of the areas used for seating. 3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet, all computations shall be based on gross floor area. 4. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), maximum enrollment (for students), or the maximum fire-rated capacity (for residents), whichever is applicable.		

(2) *Uses with variable parking demand characteristics and unlisted uses.* For some listed uses, table 83-455(d)(1), Minimum number of off-street parking spaces, refers to this subsection because the use has widely varying parking and loading demand characteristics, making it difficult to establish a single appropriate off-street parking or loading standard. On receiving an application proposing such a use, or proposing a use not expressly listed in table 83-455(d)(1), the administrator is authorized to:

a. Apply the minimum off-street parking space requirement specified in table 83-455(d)(1) for the listed use that is deemed most similar to the proposed use; or

b. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association; or

c. Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on the recommendations of the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data, and that includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(3) *Multiple use developments.* Developments containing more than one principal use shall provide parking spaces in an amount equal to the total of the requirements applied to all individual principal uses. This provision shall not limit the opportunity to reduce the minimum number of required off-street parking spaces through approval of an alternative parking plan that justifies the feasibility of shared parking (see subsection (g), Off-street parking alternatives, below).

(4) *Maximum number of off-street parking spaces.* For any use listed under the commercial use classification in table 83-455(d)(1), Minimum number of off-street parking spaces, the number of off-street parking spaces shall not exceed 125 percent

of the minimum number of parking spaces required, except as may be allowed through approval of an alternative parking plan in accordance with subsection (g), Off-street parking alternatives, below.

(5) *On-street parking.* Except as authorized as part of an alternative parking plan in the on-street parking provisions of subsection (g), Off-street parking alternatives, on-street parking on streets or driveways shall not be used to satisfy the off-street parking standards of this section.

(6) *Driveways used to satisfy requirements.* For single-family detached, duplex, individual townhouse, and manufactured home dwellings, driveways may be used to satisfy minimum off-street parking space requirements, provided sufficient space is available to satisfy the standards of this section and this chapter.

(7) *Exemption for existing structures in Court House Square Center District.* Legally existing structures as of the effective date of this chapter within the Court House Square Center (CHSC) District are exempt from the parking requirements of table 83-455(d)(1), Minimum number of off-street parking spaces.

(e) *Accessible parking spaces for physically disabled persons.* Parking spaces and passenger loading facilities reserved for use by persons with physical disabilities ("accessible parking spaces") shall be provided, located, and designated in accordance with requirements in chapter 11 of the Uniform Statewide Building Code, Volume I.

(f) *Dimensional standards for parking spaces and aisles.*

(1) *General.* Standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in table 83-455(f), Dimensional standards for parking spaces and aisles.

Table 83-455(f): Dimensional Standards for Parking Spaces and Aisles[1]

Parking Angle (Degrees)	*Stall Width (ft.)*	*Stall Depth Perpendicular to Curb (ft.)*	*Aisle Width (ft.)*[2]	*Stall Length Along Curb (ft.)*	*Double Row + Aisle, Curb to Curb (ft.)*
A	*B*	*C*	*D*	*E*	*F*
0	9	9	12	23	30
30	9	17	12	18	46
45	9	19	14	13	52
60	9	20	18	10	58
90	9	18	24	9	60

Notes: ft = feet.
1. Refer to figure 83-455(f), for illustrations showing how dimensions for parking spaces and aisles in various configurations (A—F) are measured.
2. For one-way traffic. Aisles for two-way traffic shall be at least 24 feet wide (for all parking angles).

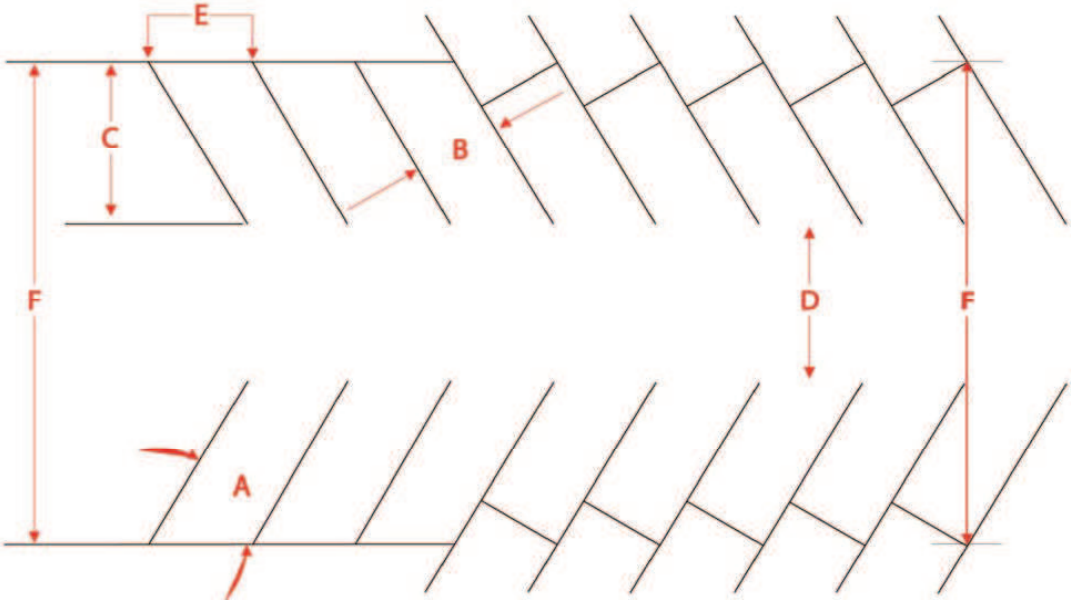


Figure 83-455(F): Measurement of parking space and aisle dimensions. (A—F refer to the dimensions in Table 83-455(f))

(2) *Compact car spaces.*

a. When allowed. The administrator is authorized to approve the use of compact car parking spaces for up to 20 percent of required parking upon determining that the need for compact car parking spaces is supported by a parking study prepared by the applicant.

b. Compact space standards.

1. Each compact car parking space shall be at least eight feet wide and 16 feet deep.

2. Compact car parking spaces shall be located no closer to the primary building entrance than any standard parking spaces.

3. Compact car spaces shall be designated by signage and/or pavement marking.

(3) *Vertical clearance.* All off-street parking spaces must have a minimum overhead clearance of seven feet.

(g) *Off-street parking alternatives.*

(1) *General; alternative parking plan.* The administrator is authorized to approve an alternative parking plan that proposes alternatives to providing the minimum number of off-street parking spaces required by table 83-455(d)(1), Minimum number of off-street parking spaces, in accordance with the standards listed below. The alterna-

tive parking plan shall be submitted with an application for site plan approval (see Article II, Administration) or zoning compliance permit (see Article II, Administration), as appropriate.

(2) *Provisions over maximum allowed.* An alternative parking plan may propose to exceed the maximum number of off-street parking spaces allowed by section 83-455(d)(4), Maximum number of off-street parking spaces, and shall comply with the following standards:

a. Parking demand study. An alternative parking plan proposing to exceed the maximum number of off-street parking spaces allowed shall include a parking demand study prepared by a qualified traffic engineer demonstrating how the maximum number of parking spaces specified by section 83-455(d)(4), Maximum number of off-street parking spaces, is insufficient for the proposed development.

b. Minimum amount required. The maximum number of off-street spaces allowed shall be limited to the minimum number of additional spaces recommended as needed by the required parking demand study.

(3) *Shared parking.* An alternative parking plan may propose to meet a portion of the minimum number of off-street parking spaces required for a use with shared parking—that is, use of parking spaces to meet the minimum number of off-street parking spaces required for more than one use—in accordance with the following standards:

a. Maximum shared spaces. Up to 50 percent of the number of parking spaces required for a use may be used to satisfy the number of parking spaces required for other uses that generate parking demands during different times of the day or different days of the week.

b. Location.

1. Shared parking spaces shall be located within 500 linear feet of the primary entrances of all uses served, unless remote shuttle bus service is provided.

2. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street unless pedestrian access across the arterial or collector street is provided by a grade-separated pedestrian walkway or appropriate traffic controls, or remote parking shuttle bus service is provided.

c. Pedestrian access. Adequate and safe pedestrian access must be provided between the shared parking areas and the primary entrances to the uses served by the parking.

d. Directional signage. Signage that complies with the standards of this chapter shall be provided to direct the public to the shared parking spaces.

e. Justification. The alternative parking plan shall include a shared parking plan justifying the feasibility of shared parking. The shared parking plan shall address, at a minimum, the size and type of the uses proposed to share off-street

parking spaces, the composition of their tenants, the anticipated peak parking and traffic demands they generate, and the anticipated rate of parking turnover in parking space use.

f. Recorded agreement.

1. An approved shared parking plan shall be enforced through written agreement among all owners of record. The agreement shall provide all parties the right to joint use of the shared parking spaces for at least 20 years, and shall ensure that as long as the off-site parking is needed to comply with this chapter, land containing either the off-site parking area or the served use will not be transferred except in conjunction with the transfer of land containing the other. The agreement shall be submitted to the administrator for review and approval. An attested copy of an approved agreement shall be recorded with the office of the clerk of the circuit court before issuance of a zoning compliance permit for any use to be served by the shared parking area.

2. Any termination of the agreement does not negate the parties' obligations to comply with parking requirements and thus shall constitute a violation of this chapter unless any required parking spaces lost due to the termination have been replaced with parking spaces provided in accordance with this section.

(4) *Off-site parking.* An alternative parking plan may propose to meet a portion of the minimum number of off-street parking spaces required with off-site parking—that is, location of off-street parking spaces required for a use on a lot separate from the lot containing the use—and shall comply with the following standards:

a. Restrictions for certain uses; maximum off-site spaces. Off-site parking may not be used to satisfy the minimum number of off-street parking spaces required for residential uses (except for guest parking), restaurants, convenience stores, or other convenience-oriented uses, and may be used to satisfy no more than 50 percent of the minimum number of off-street parking spaces required for any other use. In addition, required parking spaces reserved for persons with disabilities may not be located off-site.

b. Zoning classification. The zoning district classification of the off-site parking area shall be the same or a more intensive zoning classification than that required for the use served.

c. Location.

1. Off-site parking spaces shall be located within 500 linear feet from the primary entrance of the use served, unless a remote parking shuttle bus service is provided.

2. Off-site parking spaces shall not be separated from the use they serve by a major arterial street or minor arterial street unless pedestrian access across

the street is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk), or remote parking shuttle bus service is provided.

d. Off-site parking agreement.

1. If land containing the off-site parking area is not under the same ownership as land containing the principal use served, the off-site parking arrangement shall be established in a written agreement between the owners of land containing the off-site parking area and the land containing the served use. The agreement shall provide the owner of the served use the right to use the off-site parking area for at least 20 years. The agreement shall be submitted to the administrator for review and approval. An attested copy of an approved agreement shall be recorded with the office of the clerk of the circuit court before issuance of a zoning compliance permit for any use to be served by the shared parking area.

2. Any termination of the agreement does not negate the landowner's obligations to comply with parking requirements and thus shall constitute a violation of this chapter unless any required parking spaces lost due to the termination have been replaced with parking spaces provided in accordance with this section.

(5) *Deferred parking.* An alternative parking plan may propose to defer construction of up to 30 percent of the number of off-street parking spaces required by table 83-455(d)(1), Minimum number of off-street parking spaces, minimum number of off-street parking spaces, and shall comply with the following standards:

a. Justification. The alternative parking plan shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by table 83-455(d)(1), Minimum number of off-street parking spaces.

b. Reserve parking plan. The alternative parking plan shall include a reserve parking plan identifying:

1. The amount of off-street parking being deferred;

2. The location of the area to be reserved for future parking, if future parking is needed.

c. Parking demand study.

1. The alternative parking plan shall provide assurance that within 18 months after the initial certificate of occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the administrator.

2. If the administrator determines that the study indicates that the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the administrator determines that the study indicates additional parking is needed, it shall be provided consistent with the reserve parking plan and the standards of this section.

d. Limitations on reserve areas. Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.

e. Landscaping of reserved areas required. Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover, and if ultimately developed for off-street parking, shall be landscaped in accordance with section 83-461(d), Vehicular use area landscaping.

(6) *Valet and tandem parking.* An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of parking spaces required for a development with commercial uses in accordance with the following standards:

a. No more than 30 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces.

b. The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation or cause queuing in a public street or internal drive aisle serving the development.

c. Guarantees shall be provided that a valet parking attendant will be on duty during hours of operation of the uses served by the valet or tandem parking.

(7) *On-street parking.* An alternative parking plan may propose to meet a portion of the minimum number of off-street parking spaces required for a use with on-street parking spaces, in accordance with the following standards:

a. The use is located within a village center (VC) or any planned development (-PD) district;

b. The on-street parking spaces are located along the development site's street frontage or within 150 linear feet of walking distance from the primary entrance of the proposed use;

c. The on-street parking spaces are not counted towards meeting the off-street parking requirement for any other development;

d. No more than 25 percent of the off-street parking requirement is met through the use of on-street parking; and

e. There is no negative impact to existing or planned traffic circulation patterns.

(h) *Stacking spaces for drive-through and related uses.*

(1) *Required number of stacking spaces.* In addition to meeting the off-street parking standards in table 83-455(d)(1), Minimum number of off-street parking spaces, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in table 83-455(h), Minimum stacking spaces for drive-through and related uses.

Table 83-455(h): Minimum Stacking Spaces for Drive-Through and Related Uses*

Use or Activity[1]	*Minimum Number of Stacking Spaces*	*Measured From*
Automated teller machine (ATM)	3	Teller machine
Bank or financial institution, with drive-through service	3 per lane	Teller window
Car wash and auto detailing, automatic	2 per bay	Bay entrance
Car wash and auto detailing, self-service	1 per bay	Bay entrance
Drug store or pharmacy, with drive-through service	4 per lane	Agent window
Dry cleaning or laundry drop-off establishment with drive-through service	4 per lane	Window
Gasoline filling station	1	Each end of the outermost gas pump island
Gated driveway	2	Gate
Nursing home facility	3	Building entrance
Oil change/lubrication shop	2 per bay	Bay entrance
Recycling drop-off center	5 per lane	Recycling containers
Restaurant, with drive-through service[2]	4	Order box
School, elementary or middle	10	Drop off/pick up area
Other	Uses not specifically listed are determined by the administrator based on standards for comparable uses, or alternatively based on a parking demand study	

*(or such greater number as deemed necessary by a traffic engineer engaged by the county)

Notes:
1. See Article VII, Use Standards.
2. Restaurants with drive-through service shall provide at least four additional stacking spaces between the order box and the pick-up window—see figure 83-455(h): Stacking spaces for a drive-through restaurant.

(2) *Design and layout.* Required stacking spaces are subject to the following design and layout standards:

a. Stacking spaces shall be a minimum of nine feet wide and 16 feet long.

b. Stacking spaces shall not impede onsite or offsite vehicular traffic movements or movements into or out of off-street parking spaces.

c. Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements.

d. Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary for traffic movement and safety by the director.

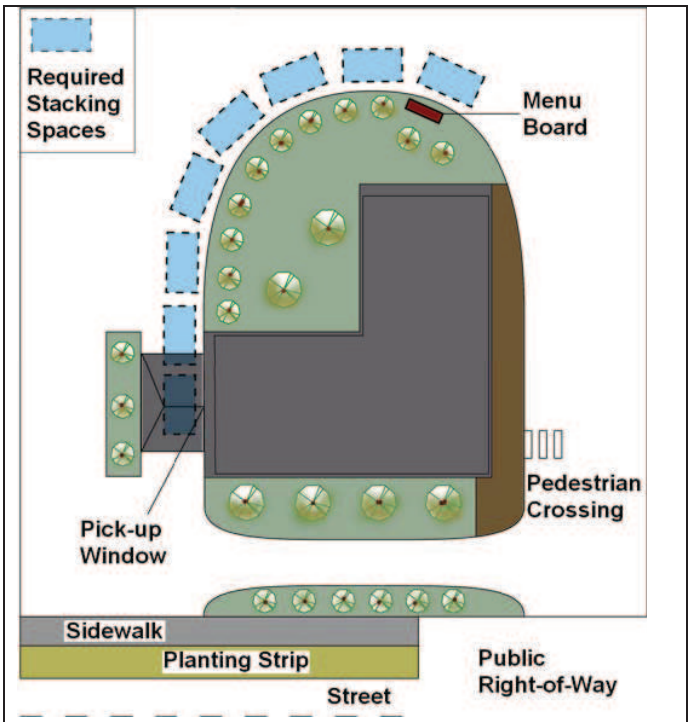


Figure 83-455(h): Stacking spaces for a drive-through restaurant.

1. Bicycle parking facilities. The following standards shall apply to new development in village growth area districts:

i. Bicycle racks required. All parking areas for mixed use developments and within CC District containing more than ten parking spaces shall provide bicycle racks or lockers sufficient to accommodate the parking of at least three bicycles. One additional bicycle space shall be provided for each additional 20 parking spaces. No more than ten bicycle parking spaces shall be required in any one parking area.

ii. Bicycle rack location. Required bike racks shall be located in visible, well-lit areas conveniently accessible to the primary entrances of a development's principal building(s). They shall be located where they do not interfere with pedestrian traffic and are protected from conflicts with vehicular traffic.

(j) *Loading area standards.*

(1) *Minimum number of off-street loading spaces.*

a. New development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development site shall provide a sufficient number of off-street loading spaces to accommodate the delivery and shipping operations of the development's uses is a safe and convenient manner.

b. Table 83-455(j)(1), Minimum number of off-street loading spaces, sets forth the minimum number of loading spaces that presumptively satisfies the loading space needs of medium-sized and large-sized delivery/shipping trucks based on the use classification or category of the principal use and the size of the development. It is assumed that the needs of small delivery/shipping trucks can be met with the temporary use of parking spaces or vehicle use areas.

c. The administrator may require a greater or fewer number of loading spaces than called for by table 83-455(j)(1) upon determining that the characteristics of the particular development warrant such an increase or decrease and the general standard in subsection a. is met.

Table 83-455(j)(1): Minimum Number of Off-Street Loading Spaces

Gross Floor Area (GFA)	*Minimum Number of Loading Spaces*	
	Medium-Sized Truck	*Large-Sized Truck*
Institutional and Office Uses[1]		
Up to 10,000 s.f.	0	0
10,001 to 50,000 s.f.	1	0
50,001 to 500,000 s.f.	2	0
Over 500,000 s.f.	Two medium-sized truck spaces; additional spaces based on development-specific assessment.	
Commercial Uses Other Than Office Uses[1]		
Up to 5,000 s.f.	0	0
5,001 to 20,000 s.f.	1	0
20,001 to 50,000 s.f.	2	0
50,001 to 100,000 s.f.	3	0
100,001 to 200,000 s.f.	3	1
Over 200,000 s.f.	Three medium-sized truck spaces and one large-sized trick space; additional spaces based on development-specific assessment.	
Industrial Uses		
Up to 5,000 s.f.	0	0
5,001 to 10,000 s.f.	1	0
10,001 to 50,000 s.f.	0	1
50,001 to 100,000 s.f.	0	2
100,001 to 150,000 s.f.	0	3

Table 83-455(j)(1): Minimum Number of Off-Street Loading Spaces		
Gross Floor Area (GFA)	*Minimum Number of Loading Spaces*	
	Medium-Sized Truck	*Large-Sized Truck*
Over 150,000 s.f.	Three large truck spaces; additional spaces based on development-specific assessment.	
Notes: s.f. = square feet 1. For mixed-use developments, gross floor area devoted to residential uses is excluded.		

(2) *Dimensional standards for loading areas.*

a. Each loading space shall be of sufficient size to accommodate the types of delivery/shipping vehicles likely to use the loading area.

b. The size of a loading space that presumptively satisfies the needs of a medium-sized truck is at least 12 feet wide and 35 feet long, and has at least 13 feet of vertical clearance.

c. The size of a loading space that presumptively satisfies the needs of a large-sized truck is at least 12 feet wide and 55 feet long, and has at least 14 feet of vertical clearance.

d. The administrator may require larger or smaller loading spaces than called for by subsections b. and c. above upon determining that the characteristics of the particular development warrant such a variation and the general standard in subsection a. is met.

(3) *Location of loading areas.* Where possible, a loading area shall be located to the rear of the principal building(s) it serves. In addition, the loading area shall be located adjacent to the building's loading doors, in an area that promotes its practical use.

(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2015-29, 11-2-15; Ord. No. O-2018-18, 6-25-18; Ord. No. O-2019-20, 4-24-19; Ord. No. O-2021-13, 6-28-21)

Secs. 83-456—83-459. Reserved.

Sec. 83-460. Tree protection.

(a) *Purpose and intent.* The purpose and intent of this section is to recognize the importance and contribution of mature trees in Powhatan County. Specifically, the standards in this section are intended to:

(1) Preserve the visual and aesthetic qualities of the county;

(2) Encourage site design techniques that preserve the natural environment and enhance the developed environment;

(3) Provide for a separation of uses and establish a sense of privacy;

(4) Minimize the impact of incompatible land uses;

(5) Reduce glare, dust, heat, and noise;

(6) Preserve and enhance air and water quality;

(7) Increase slope stability, and control erosion and sediment run-off into waterways;

(8) Conserve energy by reducing heating and cooling costs; and

(9) Maintain and enhance the quality of life in the county.

(b) *Applicability.*

(1) General. Except as otherwise provided in subsection (2) below, the standards in section 83-460, Tree protection, shall apply to all new development.

(2) Exemptions. The following tree removal activities are exempt from the standards of this section:

a. The removal of dead or naturally-fallen trees;

b. The removal of diseased trees posing a threat to adjacent trees;

c. The selective and limited removal of trees or vegetation necessary to obtain clear visibility within sight triangles;

d. Tree removal activities on individual lots containing single-family detached, duplex, or manufactured home dwellings; and

e. Tree removal activities associated with agricultural and silvicultural activities.

(c) *General standard.* Preservation of existing trees and shrubs shall be maximized wherever practicable. As an incentive, an existing tree or shrub that is protected during construction or site development may be included for credit in accordance with this section.

(d) *Credits for tree protection.* Where existing healthy trees are preserved, fully protected during and after development, and incorporated into the landscape plan, the number of tree plantings required by the landscaping provisions shall be reduced within the required landscaped areas according to table 83-460(d), Credits for protected trees.

Table 83-460(d): Credits for Protected Trees

Existing Tree Caliper	*Tree Credit*
2 to 4 inches	1
5 to 9 inches	2
10 to 14 inches	3
15 to 19 inches	4
20 inches or more	5
Tree caliper is measured 4.5 feet above ground level.	

(e) *Tree and vegetation protection during construction.*

(1) *Owner's responsibility.* During development, the owner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction.

(2) *Tree save area.*

a. Trees proposed to be preserved or used for credit towards required landscaping shall be surrounded by a tree save area that is protected with fencing, marking, and signage provided in accordance with the standards in this subsections (3) to (7) below.

b. The tree save area shall generally include all area within and one foot outside the drip lines of the tree(s) to be preserved. The administrator shall consider existing site conditions in determining the exact boundaries of the tree save area.

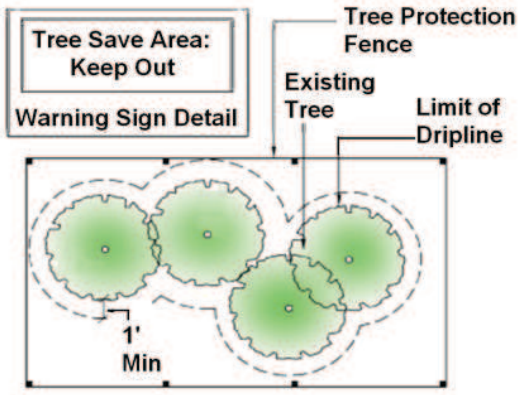


Figure 83-460: Tree Save Area Protection

(See figure 83-460: Tree save area protection.)

(3) *Protective fencing.* In or near land areas proposed to be disturbed as part of development activities, the perimeter of the tree save area shall be fenced with a sturdy and visible fence. Such fencing shall be at least four feet high and of durable construction (e.g., chain link, wooden post with two-by-four wire mesh, or metal posts with highly visible (bright orange) construction fencing). Posts shall be located no more than ten feet on-center.

(4) *Protective marking.* In areas remote from areas proposed for land disturbance, the perimeter of the tree save area may be fenced in accordance with subsection (3) above or marked with highly visible (e.g., bright orange), continuous, and durable taping (at least four inches wide).

(5) *Signage.* Warning signs shall be installed along any required tree protection fencing at points no more than 150 feet apart. The signs shall be clearly visible from all sides of the outside of the fenced-in area. The size of each sign shall be a minimum of two feet by two feet and contain the following language: "TREE SAVE AREA: KEEP OUT."

(6) *Duration of protective fencing, marking.* Required protective fencing, marking, and signage shall be erected before any grading or other development activity begins and shall be maintained throughout the period of development activity, until after final site inspection.

(7) *Limits on activity within tree save areas.* No construction, grading, equipment or material storage, or any other similar activity shall be allowed within a tree save area.

(Ord. No. O-2013-08, 9-16-13)

Sec. 83-461. Landscaping and buffers.

(a) *Purpose and intent.* It is the purpose of this section to provide for the planting and maintenance of trees, shrubs, and other plants within the county so as to:

(1) Ensure and encourage the planting, maintenance, restoration and survival of trees, shrubs, and groundcover;

(2) Ensure the protection of community residents and visitors from personal injury and property damage, and the protection of the county from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants;

(3) Mitigate against erosion and sedimentation;

(4) Reduce storm water runoff and associated costs;

(5) Preserve and protect the water table and surface waters;

(6) Reduce audible noise from automobiles and land uses;

(7) Restore soils and land denuded as a result of construction or grading;

(8) Increase the tree canopy to provide shade and moderate the effect of urban heat islands;

(9) Limit glare created by exterior lighting;

(10) Reduce visual pollution from the urban environment and increase privacy between incompatible uses;

(11) Protect and enhance property values and aesthetic qualities;

(12) Help differentiate streets and other areas of the public realm from private lands;

(13) Provide additional improvements to air quality through the carbon dioxide uptake process provided by trees and landscaping; and

(14) Provide visual screening, where appropriate.

(b) *Applicability.*

(1) *General.* The requirements in this subsection shall apply to developments and uses that are subject to site plan approval (see Article II, Administration).

(2) *Change in use.* Changes in use that require site plan approval (see Article II, Administration), or a change in use of an existing development where an existing use is replaced with a new more intense use (e.g., from a residential use to an institutional use, or from a commercial use to an industrial use), shall be subject to these landscaping standards to the maximum extent practicable.

(3) *Upgrading of nonconforming landscaping.* Nonconforming landscaping on the site of a remodeled structure or expanded structure or use area shall comply with the requirements of this section in accordance with the standards of Article IX, Nonconformities.

(4) *Review for compliance.* Review for compliance with the standards of this section shall occur during review of an application for a conditional use permit (article II, Administration), site plan approval (article II), or zoning compliance permit (article II), whichever occurs first.

(5) *Landscape plan required.*

a. Uses subject to the standards in this section shall include a landscape plan as a part of any application for a conditional use permit (article II), site plan approval (article II), or zoning compliance permit (article II), as appropriate.

b. Landscape plans shall include the information specified in Article XIII, Appendix of this Code chapter.

c. A Virginia certified landscape architect, a certified member of the Virginia Society of Landscape Designers, a certified Virginia Nurseryman with experience preparing planting plans and landscape construction drawings, a land surveyor, or a professional engineer shall prepare a landscape plan required for this section.

(c) *General requirements for landscaping.*

(1) *New planting standards.*

a. At the time of planting, vegetation included as part of required landscaping shall comply with the size standards.

1. Deciduous canopy or shade trees shall have a caliper of at least two-and-one-half inches and shall be at least ten feet in height above ground level.

2. Understory, small maturing, or ornamental trees shall have a caliper of at least one inch and shall be at least eight feet in height above ground level.

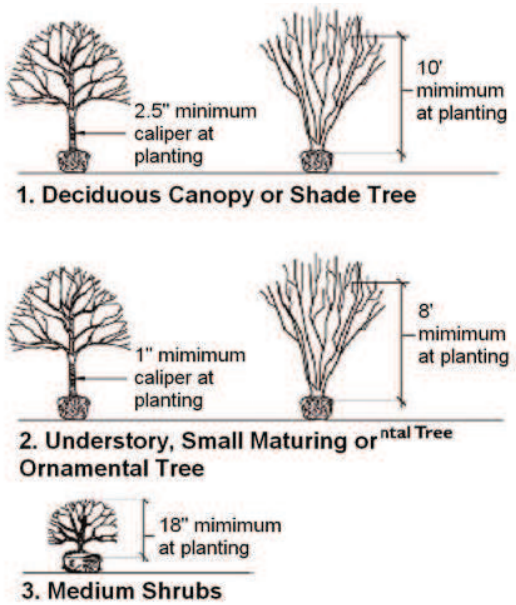


Figure 83-461(c)(1): Minimum new planting standards.

3. Evergreen trees shall be at least six feet in height above ground level.

4. Shrubs shall be upright in nature and at least 18 inches in height above ground level.

b. Where application of the requirements in this subsection result in a fraction in the number of shrubs to be provided, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.

c. All landscape plant materials shall be of standard quality or better, true to name and type of species or variety.

d. The use of native, drought-tolerant vegetation known to thrive in the Virginia region is strongly encouraged.

e. Required landscaping areas shall be protected from vehicular damage by the installation of curbing, wheel stops, or extra width in the landscaping strip.

(2) *Existing vegetation.* The use of existing healthy, well-formed canopy trees, understory trees, evergreen trees, and shrubs shall be maximized wherever practical to comply with these landscaping standards. The use of existing trees shall be credited towards meeting landscaping standards in accordance with table 83-460(d), Credits for protected trees. Trees, provided the vegetation meets the minimum size standards of this chapter, and is protected before and during development of the site in accordance with section 83-460(e), Tree and vegetation protection during construction, and maintained thereafter in a healthy growing condition.

(3) *Stabilization.* All required landscape planting areas shall be stabilized and maintained with turf, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

(4) *Easements.* Nothing except groundcover shall be planted or installed within any underground or overhead utility, drainage or gas easement, or within three feet of a fire protection system, without the consent of the utility provider, easement holder, or the county, as appropriate.

(d) *Vehicular use area landscaping.*

(1) *Applicability.* The vehicular use areas of developments shall include landscaping both within the interior of the vehicular use area and around its perimeter as a means of mitigating the parking area's microclimate and visual impacts.

(2) *Use for stormwater management.* Perimeter landscaping strips and interior planting islands may be used for stormwater management purposes as long as the landscaped areas are designed as site amenities and comply with these vehicular use area landscaping standards.

(3) *Perimeter landscaping strips.* Where a vehicular use area abuts a street right-of-way, vacant land, or any other development (except another vehicular use area), a perimeter landscaping strip shall be provided and maintained within the strip of land between the vehicular use area and the abutting right-of-way or property line in accordance with the following standards, except where such strip is crossed by an authorized vehicular or pedestrian access way:

a. Location and configuration. Perimeter landscaping strips shall be located on the same property as the vehicular use area and placed to assure visibility and safety of pedestrians on the street and within the vehicular use area.

b. Composition. Perimeter landscaping strips shall be comprised of:

1. Canopy trees spaced between 40 and 50 feet on center, provided that understory trees spaced between 20 and 30 feet on center may be substituted for canopy trees in areas beneath overhead utilities or exterior lighting fixtures; and

2. Evergreen shrubs planted to form a continuous, opaque hedge along the perimeter of the vehicular use area, provided that:

i. A solid masonry wall or opaque ornamental fence may be substituted for all or part of the required hedge; and

ii. Any hedge or wall abutting a street shall be maintained at a maximum height of three feet above the elevation of the adjacent vehicular use area to allow security surveillance of parking areas; and

3. Ground cover or grass planted in all areas not covered by trees, shrubs, or walls.

c. Width. The perimeter landscaping strip shall be a least six feet wide.

d. Credit towards perimeter buffers. Perimeter landscaping strips associated with a vehicular use area may be credited towards perimeter buffer standards (see section 83-461(e), Perimeter buffers).

(4) *Interior landscaping standards.* Vehicular use areas, except those outside village growth area districts and containing 15 or fewer parking spaces, shall provide and maintain landscaped planting areas within the interior of the vehicular use area in accordance with the standards in this subsection. These standards shall not apply to parking structures or vehicle display areas.

a. Configuration. Vehicular use areas shall include interior planting areas designed in accordance with the following standards (see figure 83-461(d)(4)a., Vehicular use area configuration):

1. Interior landscaping area shall include at least 16 square feet of area per parking space in the vehicular use area.

2. Planting islands shall be provided to separate at least every three abutting parking bays and at the end of each row of parking spaces. Where a row of parking spaces contains more than 20 spaces, planting islands shall be provided at a spacing no greater than one island at the end of every 15 contiguous parking spaces.

3. Planting islands at the ends of single loaded parking bays shall be at least 162 square feet in area. Planting islands at the ends of double-loaded bays shall be at least 324 square feet in area. The minimum width of planting islands shall be nine feet.

4. Each planting island shall contain at least one canopy tree, with the remainder of the island landscaped with trees, shrubs, or groundcover, and material such as mulch. Understory trees may be substituted for canopy trees in areas underneath overhead utilities or exterior lighting fixtures.

5. Planting islands and required canopy trees shall be distributed and sited so as to maximize shading of pavement and pedestrian routes through the parking area.

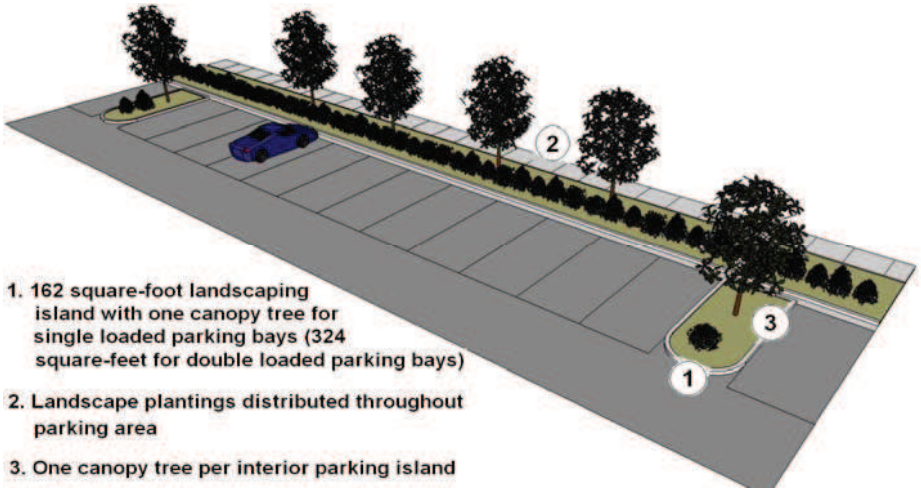


Figure 83-461(d)(4)a., Vehicular use area configuration.

b. Areas with 200 or more spaces. Vehicular use areas with 200 or more parking spaces shall be organized into a series of smaller modules of 10,000 square feet or less per module, and be visually separated by continuous landscaped areas. (See figure 83-461(d)(4)b.: Vehicular use areas with 200+ spaces.)

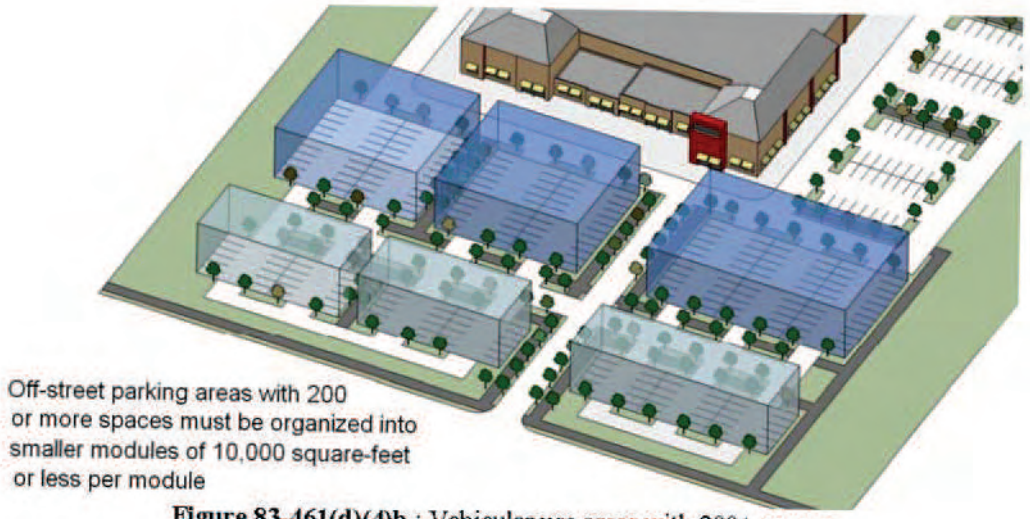


Figure 83-461(d)(4)b.: Vehicular use areas with 200+ spaces.

(e) *Perimeter buffers.*

(1) *Purpose and intent.* Perimeter buffers are intended to mitigate potential negative effects of contiguous uses in different zoning districts to provide basic screening between different types of development.

(2) *Applicability.* Development shall provide a perimeter buffer to separate it from a less intense existing use on abutting land, or from vacant abutting land located in a less intense zoning district, in accordance with table 83-461(e)(3), Buffer types and table 83-461(e)(4), Buffer type application.

(3) *Buffer types.* Table 83-461(e)(3), describes three different types of perimeter buffers in terms of their function, opacity, width, and planting requirements.

Table 83-461(e)(3): Buffer Types

Buffer Type and Function	*Minimum Width and Screening Requirements*[1, 2, 3]	
	Option 1	*Option 2*
Type A — Basic Buffer		
This perimeter buffer functions as a basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.		
	8 feet wide + 2 canopy trees per 100 linear feet + 4 understory trees per 100 linear feet + 10 shrubs per 100 linear feet	25 feet wide + 1 canopy tree per 100 linear feet + 2 understory trees per 100 linear feet + 6 shrubs per 100 linear feet

Table 83-461(e)(3): Buffer Types		
Buffer Type and Function	*Minimum Width and Screening Requirements*[1, 2, 3]	
	Option 1	*Option 2*
Type B — Intermittent Buffer		
This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without significantly interfering visual contact.		
	15 feet wide + 4 canopy trees per 100 linear feet + 7 understory trees per 100 linear feet + 12 shrubs per 100 linear feet	40 feet wide + 2 canopy trees per 100 linear feet + 4 understory trees per 100 linear feet + 8 shrubs per 100 linear feet
Type C — Opaque Buffer		
This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact and creates a strong impression of total separation.		
	30 feet wide + 4 canopy trees per 100 linear feet + 5 understory trees per 100 linear feet + 14 evergreen shrubs per 100 linear feet + A solid fence or wall at least 6 feet high or a solid evergreen hedge at least 6 feet high and 3 feet wide	65 feet wide + 4 canopy trees per 100 linear feet + 6 understory trees per 100 linear feet + 11 evergreen trees per 100 linear feet + 22 shrubs per 100 linear feet
Notes: 1. Required canopy trees shall generally be distributed evenly along the length of the buffer (e.g., 4 canopy trees per 100 linear feet should result in canopy trees spaced approximately every 25 feet of buffer length) and spaced to maximize their future health and effectiveness. Other required vegetation shall be distributed within the buffer as appropriate to the function of the buffer. 2. Where an adjacent use is designed for solar access, understory trees can be substituted for canopy trees. 3. Fences or walls within a perimeter buffer shall comply with the standards of section 83-466, Fences and walls.		

(4) *Buffer type application.* Table 83-461(e)(4), Buffer type application, specifies the type of perimeter buffer that new development shall provide between it and adjacent property, based on the proposed use type on the development site and the existing use type on the abutting property, the zoning district in which abutting vacant property is located, or whether there is an abutting street. The type of buffer to be provided is indicated by a letter corresponding to one of the three buffer types depicted in table 83-461(e)(3), Buffer types.

Table 83-461(e)(4):
Buffer Type Application
A = Type A Buffer B = Type B Buffer C = Type C Buffer n/a = Not Applicable (No Buffer Required)

Existing Use Type on Abutting Land	*Zoning of Abutting Vacant Land*	*Proposed Use Type*[1]			
		Single-Family Detached, Two-Family, or Manufactured Home Dwelling	*Multifamily or Townhouse Dwelling or Manufactured Home Park*	*Institutional or Commercial Use, or Mixed-Use Development*	*Animal Confinement Facility or Industrial Use*
Single-family detached, two-family, three- or four-family, or manufactured home dwelling	A-20, A-10, RR-5, R-2, R-U	n/a	A	B	C
Multifamily or townhouse dwelling or manufactured home park	VR	n/a	n/a	B	C
Institutional or commercial use, or mixed-use development	CR, VC, CC, R-C, O, C, CHSC	n/a	n/a	n/a	B
Animal confinement facility or industrial use	A-C, I-1, I-2, M	n/a	n/a	n/a	n/a

Notes:
1. Development in PD districts is subject to perimeter buffer requirements in the PD district standards. Where development is proposed next to an existing PD district having no perimeter buffer, the proposed development shall provide a perimeter buffer consistent with the type of buffer required for an abutting use comparable to the predominant use type of the PD district as a whole.
2. Developments with multiple buildings shall provide perimeter buffers around the perimeter of the development site instead around individual buildings.

(5) *Alternative configuration.* Applicants may propose an alternative perimeter buffer location, width, or planting configuration through submittal of an alternative landscape plan (section 83-462, Alternative landscape plan).

(6) *Development within required perimeter buffers.*

a. The required perimeter buffer shall not contain any development, impervious surfaces, or site features (except fences or walls or landscaped stormwater features) that do not function to meet the standards of this section or that require removal of existing vegetation or any grading or construction to take place, unless otherwise permitted in this chapter.

b. Sidewalks, trails, and other elements associated with passive recreation may be placed in perimeter buffers if all required landscaping is provided and damage to existing vegetation is minimized to the maximum extent practicable.

c. Overhead and underground utilities required or allowed by the county are permitted in perimeter buffers, but shall minimize the impact to vegetation to the maximum extent practicable. Where required landscaping material is

damaged or removed due to utility activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in this chapter.

(f) *Corridor buffers.*

(1) *Purpose and intent.* Corridor buffers are intended to help retain the historic and natural character of Powhatan County by reducing the visual impacts of parking areas, buildings, and structures and protecting, preserving, and enhancing the area's natural wooded character.

(2) *Applicability.* Commercial, institutional, and mixed-use development within the R-U, R-C, C, O, CC, I-1, and I-2 zoning districts shall provide a corridor buffer along roads designated as major thoroughfares in the comprehensive plan.

(3) *Buffer width, planting requirements, and arrangement.* The design of the corridor buffer shall meet the following requirements:

a. The corridor buffer shall be at least 30 feet in width and located adjacent to the right-of-way of major thoroughfares. Where utility easements are adjacent to the right-of-way or in close proximity to the right-of-way, the corridor buffer shall be measured from the edge of said utility easement that is farthest from the right-of-way.

b. At a minimum, the corridor buffer shall include at least two canopy trees per 100 linear feet of road frontage, one evergreen tree per 100 linear feet of road frontage, two understory trees per 100 linear feet of road frontage, and six shrubs per 100 linear feet of road frontage. Upon written request of the applicant and at the discretion of the director, these requirements may be modified, if there are overhead utilities or other infrastructure that could be negatively impacted by the planting of trees and shrubs.

c. Natural-appearing landscape forms are strongly encouraged. Straight rows of plantings are discouraged and trees, shrubs, flowering plants, and other material types shall be interspersed within one another.

d. Canopy trees located within 30 feet of the edge of the right-of-way may be credited towards street tree requirements established in this subsection and Chapter 68 (Subdivision Ordinance).

(4) *Preservation of existing mature trees.* Existing healthy trees 12 inches or more in diameter measured at breast height (four and one-half feet from ground level) shall not be removed from within the required corridor buffer unless:

a. Removal of the existing mature tree(s) is necessary to accommodate necessary entrances and utilities and/or preservation of the tree would create or perpetuate demonstrable hazards to public health, safety, or welfare, as determined by the director in writing; or

b. The applicant requests removal of an existing mature tree(s) and the director determines, in writing, that removal of the tree(s) will not negatively impact the character of the area. Each existing mature tree removed shall be replaced by at least two canopy trees that each have a caliper of three inches at the time of planting.

Existing healthy trees that are preserved will be able to receive credit towards planting requirements, in accordance with Table 83-460(d).

(5) *Consistency with corridor buffers on adjacent properties.* To help create a cohesive streetscape, the corridor buffer shall incorporate some of the plant species and design elements used within the approved corridor buffers of adjacent properties.

(6) *Reductions in width.* At the discretion of the director, the minimum width of the required corridor buffer may be reduced to 15 feet in width if two or more of the following conditions are satisfied:

a. Parking areas are located away from public view behind buildings or screened by other architectural features, such as a decorative brick wall or fence that adheres to standards set forth in section 83-466;

b. Innovative grading and/or existing topography screen parking areas from view;

c. Pedestrian amenities that exceed the minimum ordinance requirements, such as the use of brick pavers, decorative street lighting, and/or decorative benches and street furniture, are provided between the principal building and adjacent roadways;

d. The only freestanding signage permitted within the development, either through deed restrictions and/or proffered conditions, are monument signs no more than eight feet in height with features that compliment nearby architecture and incorporate brick and/or stone into their base.

In approving the reduction request, the director may require additional plantings beyond the minimum ordinance requirements; alter the mixture of plant types provided; and/or specify the type of plantings to be used to ensure that the corridor buffer provides adequate screening and reflects the character of the surrounding area.

(g) *Foundation plantings.*

(1) *Purpose and intent.* Foundation plantings are intended to soften the visual impact of building foundations and provide for the even dispersal of shrubs along building facades facing streets. They consist of evergreen and deciduous shrubs planted around a building's foundation to help soften its appearance.

(2) *Foundation planting required.* New development requiring site plan approval shall plant evergreen or deciduous shrubs along any building foundations facing a street. This requirement shall not apply to a building foundation constructed along or within one foot of the street right-of-way boundary.

(3) *Foundation planting standards.*

a. Required shrubs shall be planted within three feet of the building foundation. If a street sidewalk is located between the building foundation and the street, required shrubs may be planted up to 15 feet from the foundation.

b. Required shrubs shall maintain a maximum on-center spacing of six feet, and be evenly-distributed along foundation walls.

c. Required shrubs may be planted in the ground, within planters, or in decorative pots. (See figure 83-461(g), Foundation plantings.)

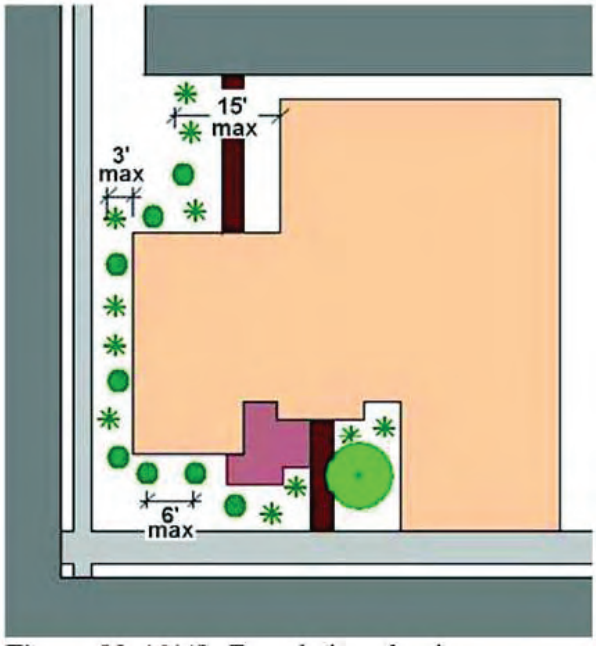


Figure 83-461(g), Foundation planings.

(h) *Street trees.* See chapter 68 (Subdivisions) of the Code of Ordinances for standards for street trees.

(i) *Other landscaping standards.*

(1) *Time for installation of required landscaping.*

a. All required landscaping (including groundcover) shall be installed in accordance with the required planting standards set forth in this section prior to issuance of a certificate of occupancy.

b. The certificate of occupancy may be issued prior to the completion of the landscaping if the owner or developer provides the county a performance guarantee that ensures completed installation of the required landscaping, in accordance with the performance guarantees provisions of chapter 68 (Subdivisions) of the Code of Ordinances. The director may, for good cause shown, grant extensions to the above time limit to allow a delay in the installation of required landscaping. Circumstances that may warrant an extension include, but are not limited to, the following:

1. Unusual environmental conditions, such as drought, hurricanes, or over-saturated soil (deep mud);

2. The inappropriateness of the current season for planting the approved plant species (in which case the approved plant species shall be planted during the next planting season); or

3. Utility work occurring in a proposed landscaped area that is incomplete or delayed.

(2) *Maintenance of landscaping materials.*

a. The owner shall be responsible for maintaining all required landscape areas and landscaping materials in accordance with the approved landscape plan or alternative landscape plan and the standards of this section.

b. Required landscaping shall be maintained in a healthy condition and landscape areas shall be kept in an orderly appearance, free from refuse and debris.

c. All required trees shall be maintained in their characteristic natural shape and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees that have been severely pruned, sheared, topped, or shaped as shrubs no longer serve the intended buffering or screening function and shall be considered as damaged vegetation in need of replacement.

d. Actions shall be taken to protect required trees and landscaping from unnecessary damage during all facility and site maintenance operations.

e. Plants shall be maintained in a way that does not obstruct sight visibility within sight triangles at roadway and driveway intersections, obstruct traffic signs or devices, or interfere with the use of bikeways, sidewalks, or pedestrian trails.

f. Landscaping may be altered through replacement or relocation by a maximum of ten percent over the life of the project without submittal of a revised landscaping plan provided that the overall landscaping remains in compliance with this section. A revised plan shall not be required for plantings that exceed the requirements of this section.

g. If landscaping materials required to meet the standards of this section die, are seriously damaged, or removed, they shall be replaced with landscaping materials meeting the standards of this section during the next growing season. In determining the extent of replacement required, the administrator shall consider the type and location of the required landscaping materials as well as the propensity for natural re-vegetation.

h. All initial and replacement landscaping shall be subject to a two-year performance guarantee that ensures proper maintenance and replacement, in accordance with the performance guarantees provisions of chapter 68 (Subdivisions) of the Code of Ordinances.

i. The county staff shall inspect the plantings required by these landscaping and buffer standards one year after their installation or the issuance of the certificate of occupancy, whichever occurs later, to assure the survival of such plantings.

(3) *Coordination of landscaping within shopping centers and industrial and office parks.* Landscaping for individual parcels in shopping centers and industrial and office parks shall be designed to coordinate with the types of plantings in the overall project.

(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2015-06, 5-4-15; Ord. No. O-2019-09, 2-25-19)

Sec. 83-462. Alternative landscape plan.

(a) *General.* An alternative landscape plan may be approved where a deviation from the standards in section 83-460, Tree protection, section 83-461, Landscaping and buffers, is justified because of site or development conditions that make strict compliance with such standards impossible or impractical. An alternative landscape plan shall indicate how the proposed deviations are justified by site or development conditions and illustrate how compliance with the standards of this section can be achieved to the maximum extent practicable. Conditions justifying approval of an alternative landscape plan may include:

(1) Natural conditions, such as watercourses, natural rock formations, or topography;

(2) The likelihood that landscaping material would be ineffective at maturity due to topography, placement, or other existing site conditions;

(3) Lot size or configuration;

(4) Infill development or redevelopment on small lots;

(5) The presence of utility or other easements;

(6) The potential for interference with public safety; and

(7) Other situations where strict adherence to the landscaping or tree protection standards in this chapter are determined to be impractical by the administrator.

(b) *Submittal and review.* An applicant may submit an alternative landscape plan as part of an application for a conditional use permit (article II, Administration), site plan approval (article II), or zoning compliance permit (article II), as appropriate. The director shall approve an alternative landscape plan if it meets the purpose and intent of the tree protection standards in section 83-460, Tree protection, and the landscaping standards in section 83-461, Landscaping and buffers, as appropriate.

(c) *Allowable deviations.* Allowable deviations from the tree protection standards in section 83-460, and the landscaping standards in section 83-461 include, but are not limited to, the following:

(1) *Reduced planting rates due to public facilities.* An adjustment to planting locations or reduction of up to 20 percent in the total number of required trees or shrubs may be allowed when underground connections to public facilities or public utilities, or public easements or rights-of-way, are located upon or in close proximity to the parcel.

(2) *Reduction in standards due to nature of parcel.* A reduction in the count or spacing standards by up to 20 percent may be allowed when desirable in terms of enhanced protection of existing natural resources, greater consistency with the goals of the comprehensive plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in this chapter.

(3) *Reduction in standards due to site size.* A reduction in the count, configuration, or location of required landscaping materials may be allowed in cases where a lot is

nonconforming in terms of dimensional requirements or yard depths, or in cases of redevelopment on existing small lots not capable of supporting the minimum amount of landscaping material required.

(4) *Upgrading of nonconforming landscaping.* An adjustment to planting locations or spacing may be allowed in conjunction with an upgrading of nonconforming landscaping in accordance with the nonconforming site features provisions of Article IX, Nonconformities.

(Ord. No. O-2013-08, 9-16-13)

Secs. 83-463, 83-464. Reserved.

Sec. 83-465. Screening.

(a) *Screening of mechanical equipment.*

(1) *Applicability.* The following exterior mechanical equipment and similar features shall be screened from view from adjacent streets and properties in accordance with the standards of this subsection:

a. Electrical and gas-powered mechanical equipment and power systems equipment (e.g., permanent electrical generators, refrigeration equipment and ductwork, swimming pool pumps, back-flow prevention devices); and heating, ventilating, and air conditioning equipment, tanks, and ductwork (e.g., air conditioning condensers and compressors, heat pump condensers and evaporators, bottled gas tanks).

b. Roof or wall-mounted antennas, vent openings, tower and blades or a small wind energy system, or the solar panels or modules of a solar energy collection system shall not be considered exterior mechanical equipment for purposes of these screening standards.

(2) *Screening standards.*

a. Roof-mounted mechanical equipment. Mechanical equipment mounted on the roof of a building shall be screened by a parapet wall, roof screen, or similar device that is integrated into the building's building form and of a height equal to or greater than the height of the mechanical equipment being screened.

b. Ground-mounted mechanical equipment. Mechanical equipment mounted on or near ground-level shall be screened by any combination of sight-obscuring dense evergreen vegetation or decorative walls or fences that incorporates at least one of the primary materials or colors of the nearest wall of the primary structure on the lot. The height of the vegetation, wall, or fence shall equal or exceed that of the mechanical equipment being screened.

(b) *Screening of off-street loading and service areas.*

(1) All off-street loading areas and services areas (e.g., refuse or recyclables collection area, equipment cleaning area) shall be located and designed to reduce the adverse visual and acoustic impacts of their use on adjacent streets and properties.

(2) Exterior off-street loading and service areas shall be screened from view from adjacent streets and properties by any combination of durable, sight-obscuring walls, fences, and/or dense evergreen vegetation that is at least six feet in height. Points of vehicular access into or from the loading or service area need not be screened, provided they are located and designed to minimize direct views into the service or loading area from adjacent streets and properties.

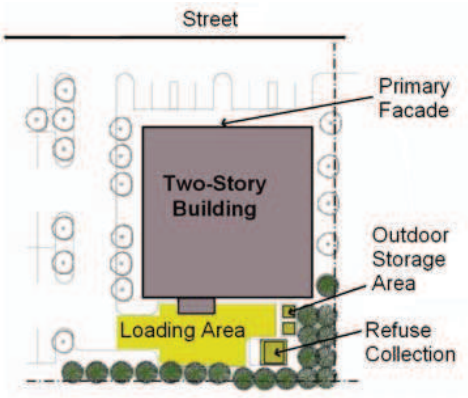


Figure 83-465(b): Screening of off-street loading and service areas.

(3) Screening vegetation shall be of a type and quality as that used for site landscaping.

(c) *Location and screening of commercial containers.*

(1) *Applicability.*

a. Except as otherwise provided in subsection (b), below, all exterior commercial containers—including, but not limited to, garbage dumpsters and compactors, cardboard receptacles and compactors, large recyclable containers, grease/oil tanks—shall be screened from view from adjacent streets and properties in accordance with the standards in this subsection.

b. These standards shall not apply to commercial containers placed by or on authority of the county on a temporary basis or placed for the temporary purpose of disposing of waste generated during construction (e.g., construction waste bins) or demolition activity on the site.

(2) *Location.* Commercial containers shall not be placed in the following locations:

a. Any front yard or street side yard;

b. Any fire lane;

c. Any off-street parking space;

d. Any location that blocks vehicular, bicycle, or pedestrian traffic;

e. Within a sight triangle required at a driveway or street intersection; and

f. Any location that interferes with utilities.

(3) *Screening standards.*

a. Commercial containers shall be screened on three sides by durable, sight-obscuring walls constructed of brick, masonry, stone, or similar material, and on the fourth side by a wood or metal gate.

b. If a container is one regularly accessed by pedestrians, the required walls shall include an opening at least three feet wide for pedestrian access. This pedestrian opening shall be screened from view by an "L"-shaped extension of a screening wall.

c. The height of the screening walls and gate shall be at least one foot higher than the height of the container.

d. Where the container is located next to a building wall, the building wall may serve as a screening wall, and the other screening walls or fences shall incorporate at least one of the primary materials or colors of the adjacent building wall.

e. The external sides of walls screening a commercial container shall have a "finished" surface (e.g., textured or painted) and shall be landscaped to soften their visual impact in accordance with section 83-466(f), Appearance.

(d) *Outdoor storage areas.* Screening of outdoor storage areas shall comply with the standards in section 83-432(f)(4)a., Outdoor storage (as a principal use) or section 83-438(p), Outdoor storage (as an accessory use), as appropriate.

(e) *Alternative screening plan.* The director may approve an alternative screening plan that proposes alternative screening materials or configurations to those required by the standards in this subsection upon determining that the alternative materials or configuration provide an equivalent or superior screening function and comply with all other standards of this chapter.
(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2015-29, 11-2-15)

Sec. 83-466. Fences and walls.

(a) *Purpose.* The purpose of this section is to regulate, primarily in village growth area districts, the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and the county, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

(b) *Applicability.* The provisions of this subsection shall apply in village growth area districts to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot. If there is any inconsistency between the provisions of this section and any screening standard in section 83-465, Screening, the standards in section 83-465, shall control.

(c) *General requirements for fences and walls.*

(1) *Location.* Fences and walls are permitted along the perimeters of properties and within front, side, and rear yards except where expressly prohibited by this chapter, the building code, or other county ordinance.

(2) *Temporary fences.* Temporary fences for construction sites or a similar purpose shall comply with the requirements of the building code adopted by the county and all applicable standards of Article VII, Division 3, Standards for Temporary Uses and Structures.

(3) *Fences and walls near fire hydrants.* Fences and walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the fire prevention code.

(4) *Fences in easements.* Fences shall be prohibited within utility easements except to the extent approved by the director after finding the fence would not impede the purpose or function of the easement. The county shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around stormwater retention or detention facilities that may be required by this chapter.

(5) *Blocking natural drainage flow.* No fence shall be installed so as to block or divert a natural drainage flow on to or off of any other land.

(6) *Fences and walls within buffers.* Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material within required perimeter buffers.

(7) *Integration with other required landscaping.* Required landscape screening for fences or walls may be integrated into the landscaping required for vehicular use area screening or perimeter buffers, provided the standards in section 83-461, Landscaping and buffers, are maintained.

(d) *Height requirements for fences and walls.*

(1) *Applicability.*

a. General. Except where exempted by subsection b., below, fences or walls shall comply with the height limits in this subsection. Fence or wall height is measured from natural grade.

b. Exemptions.

1. Sight triangles. A fence or wall within the sight triangle required at the intersections of streets and driveways in accordance with VDOT access management regulations shall comply with height limitations in those regulations.

2. Required screening. A fence or wall provided to meet the standards of section 83-465, Screening, is exempted from the height standards of this subsection, but in no case shall the fence or wall exceed a height of ten feet.

3. Recreational fencing. Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.

4. Public safety use fences and walls. Major utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to ten feet in front, side, and rear yards, unless further increased through an approved security plan—see subsection 5, below.

5. Security plan fences and walls. An owner or tenant of property or a representative of a public agency responsible for a public facility may submit to the director a site security plan proposing fences or walls taller than those permitted by this subsection, or the use of barbed or concertina wire atop a fence or wall. The director shall approve, or approve with conditions, the site security plan and its proposed exemption of fences or walls from the standards of this subsection, on finding that:

i. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land; and

ii. The proposed taller fences or walls, or use of barbed or concertina wire, will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

(2) *Fences on retaining walls or berms.* If a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to the fence or wall alone.

(3) *Fences and walls in R-2 and VR Districts.* The following height limits shall apply to fences and walls within the single-family residential-2 (R-2) or Village Residential (VR) District:

a. No solid fence or wall within a front yard or a street side yard shall exceed a height of four feet, provided that a solid fence or wall in a street side yard may be up to six feet in height if set back at least four feet from the street side lot line.

b. No fence or wall within an interior side yard or a rear yard shall exceed a height of eight feet.

(4) *Fences and walls in VC and CC Districts.* No fence or wall within the Village Center (VC) or Commerce Center (CC), District shall exceed a height of eight feet, provided that a fence or wall abutting an industrial zoning district may be up to ten feet in height.

(5) *Fences and walls in I-1 and I-2 Districts.* No fence or wall within the Light Industrial (I-1) or Heavy Industrial (I-2) District shall exceed a height of ten feet.

(e) *Perimeter fences and walls abutting street rights-of-way.* Fences or walls located within 15 feet of a street right-of-way shall:

(1) Be located outside the right-of-way;

(2) Be of a uniform style;

(3) Be constructed of brick, stone, or concrete (when covered with stucco or similar finish), vinyl, or vertical wooden boards; and

(4) Include breaks, offsets, access points, or other design details in the fence or wall plane at least every 200 feet. (See figure 83-466(e), Fence and wall offsets.)



Figure 83-466(e), Fence and wall offsets.

(f) *Appearance.*

(1) *Customary materials.* Fences shall be constructed of any combination of treated wood posts and planks, rot-resistant wood (such as cypress or redwood), wrought iron, decorative metal materials, or chain link, except for multifamily, townhouse, institutional, commercial, and mixed use development in the village growth area districts where chain link or wire fences are prohibited. Walls shall be constructed of brick, stone, masonry materials, or products designed to resemble these materials. Where certain materials are specified for particular types of screening or buffering fences or walls, all other materials are prohibited.

(2) *Finished side to outside.* Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and other does not), then the more "finished" side of the fence shall face the perimeter of the lot rather than the interior of the lot. (See figure 83-466(f)(2), Fence with finished side out.)



(3) *Compatibility of materials along a single lot side.* All fencing or wall segments located along a single lot side shall be composed of a uniform style and colors compatible with other parts of the fence and with any nearby primary buildings on the lot.

(4) *Fence and wall landscaping.*

a. General. All chain link fences and all fences and walls exceeding four feet in height, if located within 15 feet of a street right-of-way, shall be supplemented with landscape screening in accordance with the standards in (b) and (c) below, to soften the visual impact of the fence. These standards shall apply to fences in single-family residential zoning districts only if they are located within 15 feet of the right-of-way of a major arterial street or minor arterial street. (See figure 83-466(f)(4), Fence and wall landscaping.)

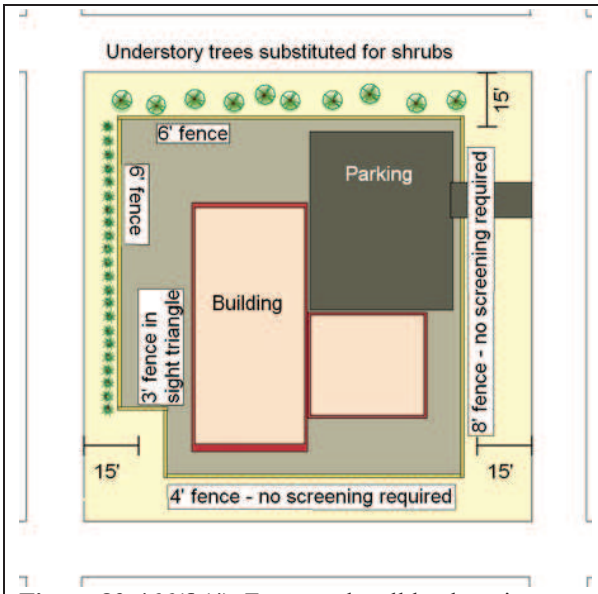


Figure 83-466(f)(4), Fence and wall landscaping.

b. Shrubs required. One evergreen shrub shall be installed for every five linear feet of fence or wall, and on the side of the fence or wall facing the public street

right-of-way. Shrubs shall meet the size standards of section 83-461(c)(1), New planting standards, and may be installed in a staggered, clustered, grouped, or linear fashion.

c. Substitution of understory trees. One understory or ornamental tree may be substituted for every three evergreen shrubs, provided that the tree meets the size standards of section 83-461(c)(1), New planting standards.

(g) *Fences around swimming pools.* Outdoor swimming pools shall be enclosed with a fence or wall in accordance with swimming pool barrier enclosure standards in the building code.

(h) *Prohibited fences.*

(1) *Barbed wire, concertina wire, and above ground electrified fences.* Fences using barbed or concertina wire and aboveground electrified fences shall be prohibited unless used in association with agricultural activities or allowed through an approved security plan (see security plan fences and walls provisions of section 83-466(d)). Underground electric fences designed for control of domestic animals are allowed.

(2) *Debris, junk, rolled plastic, sheet metal, plywood, or other waste materials.* Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all districts except the agricultural zoning districts, unless such materials have been recycled and reprocessed for marketing to the general public as building materials that resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

(i) *Maintenance required.* All fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition, including, but not limited to, the repair or replacement of missing, decayed, or broken structural and decorative elements. (Ord. No. O-2013-08, 9-16-13; Ord. No. O-2015-06, 5-4-15)

Secs. 83-467, 83-468. Reserved.

Sec. 83-469. Exterior lighting.

(a) *Purpose.* The purpose of this section is to regulate exterior lighting to:

(1) Permit the use of exterior lighting at the minimum levels necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;

(2) Ensure exterior lighting does not adversely impact land uses on adjacent lands by minimizing light trespass, obtrusive light, and glare;

(3) Ensure the safety of motorists by minimizing light spillage and glare onto adjacent streets;

(4) Curtail light pollution, reduce sky glow, and preserve the nighttime environment for astronomy, wildlife and the enjoyment of residents and visitors;

(5) Conserve energy and resources to the greatest extent possible; and

(6) Ensure security for persons and properties.

(b) *Applicability.*

(1) *General.* The provisions of this section shall apply to all development unless exempted in accordance with section 83-469(b)(4), Exemptions.

(2) *Lighting plan required.* A lighting plan shall be submitted with an application for a conditional use permit (article II, Administration), or site plan (article II), as appropriate. The lighting plan shall include a photometric plan, specifications for proposed lighting devices, and descriptions of other measures proposed to control light spillover. (See site plans provisions in Article XIII, Appendix.)

(3) *Nonconforming lighting.* Exterior lighting in existence before the effective date of this zoning ordinance, that does not comply with this chapter may remain, but shall be subject to the standards in Article IX, Nonconformities,—i.e., no changes to the use, location, height, or features of exterior lighting fixtures shall be allowed except in conformance with current exterior lighting standards. Changing the housing or lenses in a lighting fixture and routine lighting fixture maintenance (such as changing lamps or light bulbs, ballast, starter, photo control, or other similar components) are allowed if such actions do not result in a higher lumen output.

(4) *Exemptions.* The following are exempted from the exterior lighting standards of this section:

a. Lighting within a public street right-of-way or easement that is used principally for illuminating a roadway—but not lighting within a street right-of-way or easement that is designed to illuminate areas outside the right-of-way or easement;

b. Lighting exempt from this chapter under state or federal law;

c. FAA-mandated lighting associated with a utility tower or airport;

d. Lighting for public monuments and statuary;

e. Lighting for flags permitted in accordance with section 83-488, Signage;

f. Lighting solely for signage (subject to standards in section 83-488, Signage);

g. Temporary lighting for circuses, fairs, carnivals, theatrical and other performance areas—provided such lighting is discontinued upon completion of the performance;

h. Temporary lighting of construction sites—provided such lighting is discontinued upon completion of the construction activity;

i. Temporary lighting for emergency situations—provided such lighting is discontinued upon abatement of the emergency situation;

j. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;

k. Lighting associated with barns, paddock areas, and other structures and areas used for agricultural purposes—but not including lighting of residential buildings or parking areas associated with a farm or agricultural use;

l. Underwater lighting in swimming pools, fountains, and other water features; and

m. Holiday or festive lighting—provided such lighting does not create unsafe glare on street rights-of-way.

(c) *Prohibited lighting.* The following lighting is prohibited:

(1) Luminaires that imitate an official highway or traffic control light or sign;

(2) Luminaires in the direct line of vision with any traffic control light or sign;

(3) Luminaires that have a flashing or intermittent pattern of illumination, except for time and temperature displays;

(4) Privately owned luminaires located in the public right-of-way;

(5) Searchlights, except when used by federal, state or local authorities;

(6) Mercury vapor luminaires;

(7) Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field.

(d) *Exterior lighting standards for single-family and duplex dwellings.* The following standards shall apply to exterior lighting associated with single-family detached dwellings, manufactured home dwellings, and duplex dwellings.

(1) *Shielding.* For dwellings on residentially-zoned properties, all luminaires shall be fully shielded—i.e., be a full cut-off luminaire or a decorative luminaire with full cut-off optics, and constructed and installed such that all light emitted by the luminaire is projected below the horizontal plane running through the luminaire's lowest light-emitting part.

(2) *Spillover light.* Spillover light, whether vertical or horizontal, shall not exceed 0.5 foot-candle at the property line.

(3) *Lamp intensity.* Luminaires shall be limited to lamps with a maximum flux of 1,800 lumens per luminaire.

(e) *Exterior lighting standards for other than single-family and duplex dwellings, nonresidential development, and mixed-use development.*

(1) *General.*

a. *Shielding.* Except where expressly provided otherwise in this subsection, all luminaires shall be fully shielded—i.e., shall be a full cut-off luminaire or a decorative luminaire with full cut-off optics, and be constructed and installed such that all light emitted by the luminaire is projected below the horizontal plane running through the luminaire's lowest light-emitting part.

b. *Focused lighting.* All lighting shall be aimed and controlled so directed light is confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light.

c. *Spillover light.* Spillover light, whether vertical or horizontal, shall not exceed 0.5 foot-candle at the property line. For developments approved with multiple lots (e.g. townhouse developments, office parks, shopping centers) and a unified lighting plan, this standard shall apply to the perimeter of the development as a whole.

d. *Mounting height.* The maximum height of the bottom of a luminaire above grade level shall be 20 feet for lighting associated with residential development and 25 feet for lighting associated with all other development except outdoor recreational facilities (see subsection (4), below).

(2) *Parking areas, loading areas, sales areas, and display areas.* Lighting of a parking area, loading area, sales area, or display area shall not exceed an average horizontal illumination level at grade level of 2.5 foot-candles.

(3) *Canopies.*

a. Luminaires shall be either:

1. Recessed ceiling lights with bulbs recessed into the canopy ceiling so that the bottom of the luminaire is flush with the ceiling and all light emitted by the luminaire is projected below an angle of 85 degrees from the vertical; or

2. Indirect lighting that is directed upward to and reflected downward from the underside of the canopy, with luminaires shielded so that direct illumination is focused exclusively on the underside of the canopy.

b. Lights shall not be mounted on the top or sides (fascia) of the canopy and the sides of the canopy shall not be illuminated, with the exception of an internally illuminated logo sign.

c. The lighting for new facilities (pump islands and under canopies) shall be subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than 4:1. The standards herein are based on the Illuminating Engineering Society of America (IESNA) RP-33, Lighting for Exterior Environments.

(4) *Outdoor recreational facilities.*

a. Purpose. These standards are intended to permit adequate illumination for nighttime outdoor events, while minimizing sky-glow and reducing glare and lighting spillover onto surrounding streets and properties.

b. Lighting focused on playing areas. Where playing fields, courts, tracks, or other recreational areas other than those accessory to a residential use are to be illuminated, the following standards shall apply:

1. Luminaires shall be specified, mounted, and aimed so that their beams fall within the primary playing area.

2. Direct illumination shall be confined to within the property lines of the recreational use. External shields may be required in order to reduce spillover light.

3. The average maintained illumination levels must be within the parameters of the activity recommended by the Illumination Engineering Society of North America (IESNA).

c. Hours of illumination.

1. All outdoor recreational events shall be scheduled so as to complete all activity before or as near to 11:00 p.m. as practical, but under no circumstances shall any illumination of playing areas be permitted after 11:00 p.m. except as necessary to conclude an event that was reasonably scheduled to conclude prior to 11:00 p.m.

2. All newly lighted playing areas, or existing fields being upgraded or refitted, shall be equipped with override timing devices that will automatically cut off lights to ensure compliance with the standard in subsection 1 above.

(f) *Alternative lighting plan.* The director may approve an alternative exterior lighting plan that proposes alternative lighting equipment, materials, or methods of installation to those required by the standards in this subsection on determining that the alternative equipment, materials, or methods of installation provide equivalent or superior lighting control and comply with all other standards of this chapter.
(Ord. No. O-2013-08, 9-16-13)

Sec. 83-470. Open-space set-asides.

(a) *Purpose.* The purpose of this subsection is to ensure that a portion of development sites in the village growth area districts is set aside as open space for the use and enjoyment of the development's occupants and users. Open space set-asides serve numerous purposes, including preservation and protection of natural areas and features, providing opportunities for passive and active recreation, and limiting paved surfaces that adversely impact water quality and the heat island effect.

(b) *Applicability.* The provisions of this section shall apply to all new development in the Village Residential (VR), Village Center (VC), and Commerce Center (CC) Districts that are subject to site plan approval (see site plan provisions of Article II, Administration). They shall also apply to village residential Planned Development (VR-PD), Village Center Planned Development (VC-PD), and Commerce Center Planned Development (CC-PD) Districts.

(c) *Open-space set-aside standards.*

(1) *Amount of open-space set-aside required.*

a. Development in the Village Residential (VR) or Village Residential Planned Development (VR-PD) District shall set aside at least 20 percent of the area of the development site as an open space set-aside.

b. Development in the Village Center (VC), Commerce Center (CC), Village Center Planned Development (VC-PD), or Commerce Center Planned Development (CC-PD) Districts shall set aside at least 15 percent of the area of the development site as an open space set-aside.

(2) *Areas counted as open-space set-aside.* The features and areas identified in table 83-470(c)(2), Open space set-aside features, shall be credited towards compliance with the open space set-aside standards of this section:

Table 83-470(c)(2): Open-Space Set-Aside Features

Area Counted as Common Open Space Set-Asides	*Description*	*Design and Maintenance Requirements*
Natural Features		
	Natural water features (including lakes, ponds, rivers, streams, rivers, wetlands, drainageways, and other riparian areas), riparian buffers, flood hazard areas, steep slopes (15 percent or more), and wildlife habitat areas.	Preservation of any existing natural features shall have highest priority for locating open space set-asides, except in the Village Center District. Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses.	Active recreational areas may occupy up to 100 percent of the open space set-aside (if no natural features exist on the site), and shall occupy no less than 40 percent of the total open space set-aside area within a residential or mixed-use development. Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. Areas shall abut at least one street, if reasonably practical.
Formal Plantings and Gardens		
	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, gazebos, and similar structures.	Formal plantings and gardens shall have at least one direct access street, and be oriented to surrounding development.
Squares, Forecourts, Plazas, and Parks		

Table 83-470(c)(2): Open-Space Set-Aside Features		
Area Counted as Common Open Space Set-Asides	*Description*	*Design and Maintenance Requirements*
	Squares, forecourts, plazas, and parks that provide active and passive recreational opportunities and help create special places.	Such features shall be at least 200 square feet, but no more than one acre, in area. Such features shall have at least one direct access street. Surrounding buildings shall be oriented toward the square, forecourt, plaza, or park when possible and a connection shall be made to surrounding development. Squares, forecourts, plazas, and parks are encouraged in the Village Center District.
Required Landscape Areas		
	All areas occupied by required site tree protection areas, landscaping, perimeter buffers, vegetative screening, and riparian buffers, except landscaped area within parking lots.	See tree preservation standards (section 83-460), landscaping, and buffer standards (section 83-461), screening standards (section 83-465), and riparian buffer standards (section 83-471).
Stormwater Management Devices		
	Up to 75 percent of the land area occupied by stormwater management devices (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity.	To qualify, stormwater management devices shall support passive recreation uses by providing access, gentle slopes (less than 3:1), and pedestrian elements such as paths and benches.
Public Access Easements		

Table 83-470(c)(2): Open-Space Set-Aside Features		
Area Counted as Common Open Space Set-Asides	*Description*	*Design and Maintenance Requirements*
	Public access easements (which often combine utility easements with paths or trails) that are available for passive recreational activities such as walking, running, and biking.	Such public access easements shall include at least one improved access from a public sidewalk, street, trail, or easement that includes signage designating the access point.

(3) *Areas not counted as open-space set-aside.* The following areas shall not be counted as open space set-aside:

a. Private yards not subject to an open space or conservation easement;

b. Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;

c. Open parking areas and driveways for dwellings;

d. Land covered by structures not designated for active recreational uses;

e. Designated outdoor storage areas; and

f. Stormwater ponds, unless located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating).

(4) *Design standards for open-space set-asides.* Land used as an open space set-aside shall meet the following design standards:

a. Location. Open space shall be located so as to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

b. Configuration.

1. Open space lands shall be compact and contiguous unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.

2. If the development site is adjacent to existing or planned trails, parks, or other public open area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area land.

3. If a passive recreation open space set-aside area, with a minimum width of 20 feet or more, abuts an existing or planned open space area, no perimeter buffer (section 83-461(e), Perimeter buffers) shall be required between the two open space areas.

c. Orientation of adjacent buildings. Buildings adjacent to required open space set-asides shall have at least one entrance facing the open space set-aside.

d. Prioritization of open space set-aside. To the maximum extent practicable, open space set-asides shall be located and organized to include, protect, or enhance as many of the following open areas and features as possible:

1. Natural features such as riparian areas, riparian buffers, flood hazard areas, steep slopes, and wildlife habitat areas;

2. Water features such as drainages, canals, ditches, lakes, natural ponds, and retention and detention ponds;

3. Protected trees and other mature trees;

4. Perimeter buffers or visual transitions between different types or intensities of uses;

5. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rockfalls, expansive soils, or floodplains; and

6. Areas that accommodate multiple compatible open space uses rather than a single use.

(5) *Development in open-space set-asides.* Development within open space set-asides shall be limited to that appropriate to the purposes of the type(s) of area set aside as open space (see table 83-470(c)(2), Open space set-aside features). Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; tables, shelters, grills, and other picnicking facilities; docks and other facilities for fishing; environmental education guides and exhibits; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

(6) *Ownership, management, and maintenance of open-space set-asides.*

a. Open space set-asides shall be managed and maintained as permanent open space through one or more of the following options:

1. Conveyance of open space set-aside areas to a property owners' or home-owners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes; or

2. Conveyance of open space set-aside areas to a third party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes; or

3. Establishment of easements on those parts of individually-owned lots including open space set-aside areas that require the areas to be managed consistent with the land's intended open space purposes and prohibit any inconsistent future development.

b. All options involving private ownership of open space set-aside area shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities.

c. Responsibility for managing and maintaining open space set-aside areas lies with the owner of the land comprising the areas. Failure to maintain open space set-aside areas in accordance with the approved development shall be a violation of this chapter.

(Ord. No. O-2013-08, 9-16-13)

Sec. 83-471. Environmental protection.

(a) *Riparian buffers.*

(1) *Purpose.* These riparian buffer standards are intended to protect the quality and quantity of the surface waters on which Powhatan County citizens rely for drinking, storm mitigation, fishing, and the recreational and scenic functions that contribute so much to the county's economic health. Specifically, they are intended to limit development and land disturbance adjacent to surface watercourses and wetlands and encourage retention of native vegetation as necessary to protect public and private water supplies, trap sediment and other pollutants in surface runoff, promote bank stabilization, protect wetlands, protect wildlife habitat, protect fisheries, and preserve scenic beauty.

(2) *Riparian buffer required.*

a. General. Except as otherwise provided in subsection (b) below, all new development shall provide and maintain a riparian buffer abutting perennial streams and intermittent streams shown on USGS quadrangle topographic maps and jurisdictional wetlands contiguous to such perennial or intermittent streams, as determined by federal law.

b. Exceptions. The requirement for provision or maintenance of a riparian buffer shall not apply to development of single-family detached dwellings, duplex dwellings, or manufactured home dwellings on lots within subdivisions for which an application for plat approval was filed before September 8, 2008.

(3) *Riparian buffer width.*

a. Required riparian buffer width.

1. The width of a riparian buffer abutting a perennial stream shall be at least 100 feet.

2. The width of a riparian buffer abutting an intermittent stream or wetlands shall be at least 50 feet.

b. Reduction of riparian buffer width. The director may allow development to reduce the minimum riparian buffer width required by subsection a. above by up to 50 percent in the village growth area districts on determining that the development incorporates stormwater best management practices that will manage stormwater runoff to eliminate or reduce pollution of the stream or wetlands to a degree exceeding that provided by a forested buffer meeting the full minimum width standard.

c. Measurement of riparian buffer width. The width of the buffer shall be measured perpendicular from the bank of a stream or the upland boundary of wetlands. (See figure 83-471(a)(2), Required riparian buffer along a perennial stream.)

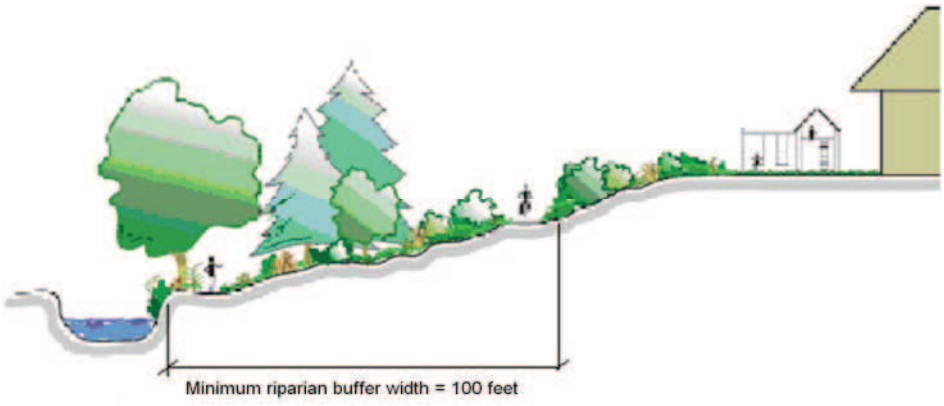


Figure 83-471(a)(2): Required riparian buffer along a perennial stream.

(4) *Required maintenance of riparian buffers.* Required riparian buffers shall be maintained as vegetated areas composed of an assemblage of trees, shrubs, and other vegetation that can effectively stabilize banks and slow down and filter stormwater runoff. If the buffer is not currently so vegetated, it shall be restored or allowed to develop into such a buffer.

(5) *Allowable development within riparian buffers.* Development allowed within a riparian buffer is limited to:

a. Flood control structures;

b. Crossings by roadways and driveways (including associated sidewalks, stormwater management facilities, and utility lines), railroad tracks and associated maintenance corridors, and utility lines and associated maintenance corridors, where the director determines that there are no reasonable alternatives to the crossing and the crossing is perpendicular to the buffer or otherwise aligned to minimize encroachment into the buffer and adverse effects on water quality;

c. Bikeways and walkways, and other passive recreational facilities and uses that involve minimal removal of vegetation and are not impervious;

d. Stormwater management facilities and sediment and erosion control devices, where determined to be necessary by the director;

e. Temporary watercourse, watercourse bank, wetland, and vegetation restoration projects intended to restore the watercourse, wetland, or riparian buffer to an ecologically healthy state;

f. Water dependent structures and other structures that, by their nature, cannot be located anywhere except within a riparian buffer, such as docks, boat launches, public water supply intake structures, and public wastewater treatment plant sewer lines and outfalls;

g. Wildlife and fisheries management activities consistent with state law and programs established by the Virginia Department of Game and Inland Fisheries; and

h. Vegetation management, including:

1. Planting of native vegetation to enhance the purposes served by the riparian buffer;

2. Pruning of forest vegetation that does not compromise the vegetation's continued health and function;

3. Removal of individual trees that pose a danger to human life or nearby buildings, or as necessary to preserve other vegetation from extensive pest infestation;

4. Removal of poison ivy or other understory nuisance or invasive vegetation; and

5. Removal or disturbance of vegetation as part of emergency fire control measures.

(6) *Location of riparian buffers in common areas.* For developments providing common areas (including open-space set-asides), riparian buffers shall be located within such common areas and outside individual building lots. Riparian buffers may be located within an individual building lot, however, if the buffer is subject to a permanent conservation easement or other legal instrument that provides for preservation of the buffer in compliance with the requirements of this subsection. A copy of the legal instrument shall be submitted to the director before issuance of a building permit for development of the lot.

(7) *Signage identifying riparian buffers.* Where a development site includes a riparian buffer, the developer shall install signage identifying the landward boundary of the buffer.

(8) *Setback from riparian buffers.* No part of any structure other than those expressly allowed by section 83-471(a)(5) shall be located with 25 feet of the boundary of a riparian buffer.

(b) *Floodplain management.* See Floodplain Overlay (FP) District in Article VI, General Overlay Districts.

(c) *Erosion and sedimentation control.* See erosion and sedimentation control in chapter 68 (Subdivisions).

(d) *Stormwater management.* See stormwater management in chapter 68 (Subdivisions).

(e) *Drinking water.* See drinking water in chapter 68 (Subdivisions).

(f) *Sanitary sewer.* See sanitary sewage in chapter 68 (Subdivisions).

(g) *Solid waste.* See solid waste in chapter 68 (Subdivisions).

(Ord. No. O-2013-08, 9-16-13)

Secs. 83-472—83-474. Reserved.

Sec. 83-475. Reserved.

Editor's note—Ord. No. O-2018-18, adopted June 25, 2018, repealed § 83-475, which pertained to architectural design standards for businesses and derived from Ord. No. O-2013-08, adopted September 16, 2013 and Ord. No. O-2015-06, adopted May 4, 2015.

Sec. 83-476. Multifamily and townhouse development standards in village growth area districts.

(a) *Purpose.* These multifamily and townhouse residential development standards, which apply in the village growth area districts, are intended to:

(1) Establish a minimum level of development quality for multifamily and townhouse residential development;

(2) Promote greater compatibility between such multifamily and townhouse residential development and other allowable uses;

(3) Foster sustained value and stability within neighborhoods;

(4) Emphasize the unique character of the village growth area districts;

(5) Shape the quality and spatial form of the village growth area districts; and

(6) Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land.

(b) *Applicability.*

(1) *General.* Unless exempted by subsection (2) below, the standards in this subsection shall apply in village growth area districts to:

a. All new multifamily and townhouse dwelling development; and

b. Any expansion or alteration of an existing multifamily and townhouse development where the expansion increases the development's gross floor area by 50 percent or more, or the alteration involves 50 percent or more of the development's gross floor area.

(2) *Exemptions.* The standards in this subsection shall not apply to individual upper-story dwellings in the village growth area districts that are located on floors above a nonresidential use.

(3) *Review for compliance*. Review for compliance with the standards of this subsection shall occur during review of an application for site plan approval (article II, Administration) or a zoning compliance permit (article II), as appropriate.

(c) *Site access.* New development with 50 or more dwelling units shall have:

(1) At least one secondary point of vehicular access to or from the site to ensure emergency vehicle access.

(2) No primary vehicular access along a local street serving existing single-family detached development—provided, however, that secondary vehicle access for emergency vehicles may be provided along such a local street.

(d) *Parking location.*

(1) No more than 50 percent of the required number of off-street parking spaces shall be surface parking located between the front of the principal building(s) and the street it faces unless the parking is screened from view from the street by other buildings or landscaping.

(2) Where a multifamily or townhouse dwelling includes garages for individual units, guest and overflow parking associated with those units shall be located to the side or rear of the dwelling.

(See figure 83-476(d), Multifamily/townhouse parking location.)

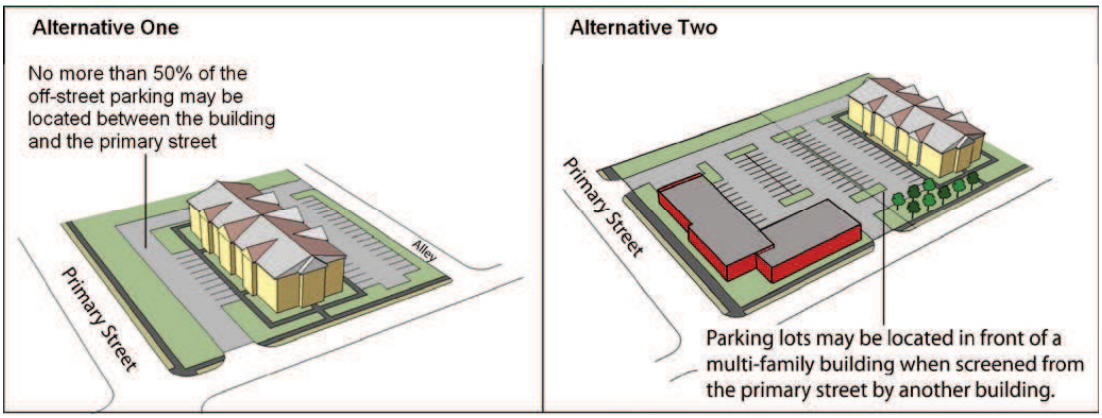


Figure 83-476(d): Multifamily/townhouse parking location.

(e) *Building orientation and configuration.*

(1) To the maximum extent practicable, buildings shall be configured so that their primary facade and primary entrances orient towards:

a. An abutting internal or external street; or

b. Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system.

(See figure 83-476(e), Multifamily/townhouse building orientation.)

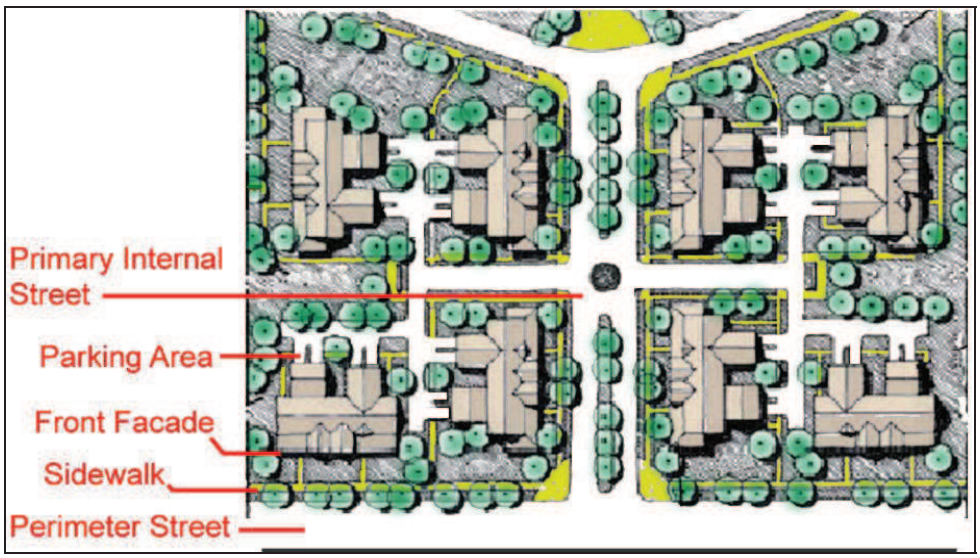


Figure 83-476(e): Multifamily/townhouse building orientation.

(2) Upper-story dwelling units in a multifamily building shall be accessed via internal corridors, common stairways, or individual stairways.

(f) *Maximum building size in village center districts.*

(1) In the Village Center (VC) district, individual structure footprints shall not exceed a maximum of 15,000 square feet and total building area shall not exceed 45,000 square feet.

(2) The maximum length of any multifamily or townhouse structure shall be 250 feet, regardless of the number of units.

(g) *Facade articulation.*

(1) Street-facing facades shall incorporate wall offsets, in the form of projections or recesses in the facade plane, spaced no more than 30 feet apart.

(2) Wall offsets shall have a minimum depth of two feet.

(3) In addition to wall offsets, facades shall provide a minimum of three of the following facade articulation features for each residential unit fronting onto a public street:



Figure 83-476(g): Changes in facade and roof lines.

a. One or more dormer windows or cupolas;

b. A recessed entrance;

c. A covered porch;

d. Pillars, posts, or columns adjacent to the doorway;

e. One or more bay windows projecting at least 12 inches from the facade plane;

f. Eaves projecting at least six inches from the facade plane;

g. Raised corniced parapets over the entrance door;

h. Multiple windows with a minimum four-inch-wide trim; or

i. Integrated planters that incorporate landscaped areas or places for sitting.

(h) *Roofs.*

(1) Principal buildings shall incorporate roof pitches between 3:12 and 12:12, or incorporate a parapet at least three feet high with a three-dimensional cornice around a flat roof. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

(2) All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.

(i) *Garage standards.*

(1) Detached garages or carports shall be located to the side or rear of the building(s) containing the dwelling units.

(2) Attached garages shall be accessed from alleys or interior streets or driveways where practicable. If the door of an attached garage faces the street, the facade containing such garage door shall be set back at least two feet behind the street-facing facade of the dwelling it serves.

(j) *Infill development.* Multifamily or townhouse development located along a block face where more than 75 percent of existing homes are single-family detached dwellings shall help reduce the overall bulk and mass of individual buildings and maintain the low-density residential character along the block face by:

(1) Articulating the front facade so that the building appears from the street to be separate homes "stepping back" the front facade a minimum of ten feet in the space where the side yards would typically be found between two single-family detached dwellings along the block face (see figure 83-476(j): Multifamily unit with front facade step-back); or

(2) Organizing units around a central courtyard that maintains the impression of the side yard depths typically found between single-family detached dwellings along the block face.



Figure 83-476(j): Multifamily unit with front facade step-back

(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2018-34, 11-26-18)

Sec. 83-477. Institutional, commercial, and mixed-use development standards.

(a) *Purpose.* These institutional, commercial, and mixed-use development standards are intended to:

(1) Protect and enhance a pleasant environment for working and shopping and promote the desirability of investment and occupancy in business and other properties;

(2) Protect and enhance community property values in order to provide an adequate tax base to the county to enable it to provide required services to its citizens;

(3) Encourage originality, flexibility, and innovation in site planning and development;

(4) Encourage establishment of a strong sense of place with vibrant institutional, commercial, and mixed-use development in village growth areas and other appropriate locations;

(5) Encourage a more pedestrian-friendly environment through attention to human-scale development;

(6) Foster greater compatibility between adjacent residential and nonresidential development; and

(7) Limit the negative impacts of automobile-oriented development.

(b) *Applicability.*

(1) *General.* Except as provided otherwise in this section, the standards in this section shall apply to:

a. All new institutional, commercial, and mixed-use development, including large retail establishments;

b. Any expansion or alteration of an existing institutional, commercial, or mixed-use development where the expansion increases the development's gross floor area by 50 percent or more, or the alteration involves 50 percent or more of the development's gross floor area.

(2) *Review for compliance.* Review for compliance with the standards of this subsection shall occur during review of an application for site plan approval (article II, Administration) or a zoning compliance permit (article II, Administration), as appropriate. Site plan applications shall include drawings, renderings, or perspectives of a professional quality which illustrate the scale; massing; roof shape; window size, shape, and spacing; and exterior materials of the structure and their color.

(c) *Parking location.*

(1) *Village center districts.* In Village Center (VC) and Village Center Planned Development (VC-PD) Districts, all required off-street surface parking shall be located to the side or rear of the front facade of the principal building(s).

(2) *All other districts.* In all other instances, no more than 50 percent of the number of off-street parking spaces shall be surface parking located between the front of the principal building(s) and the street it faces.

(3) *Modifications.* Upon request by the property owner or applicant, the director may approve modifications to this subsection to allow additional parking between the front of the principal building(s) and adjacent streets, provided that off-street parking spaces located between the front of the principal building(s) and adjacent streets are screened with a landscaped berm, a decorative wall or fence, or landscaping that exceeds the minimum requirements established by this chapter. Such approval shall be in writing and include justification for the modification, such

as lot size or configuration, natural conditions (such as the presence of watercourses or topography), or other unique site conditions and/or characteristics of the associated use.

(d) *Building orientation and configuration.*

(1) The primary entrances of buildings shall be oriented towards a street along the perimeter of the development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.



Figure 83-477(d)(1): Building orientation to the street.

(2) Buildings on corner lots shall include a prominent architectural feature of greater height than the rest of the roof, such as a tower or similar feature, at the corner of the building closest to the intersection.

(e) *Pedestrian-oriented facades.* Building facades facing streets, open space areas, courtyards, or plazas shall incorporate a combination of pedestrian entrances, arcades, awnings, pedestrian-level display windows, and storefronts that provide shade, provide visual interest, and otherwise encourage pedestrian activity along the building frontage.

(f) *Building architecture and design.*

(1) Projects with multiple buildings (including shopping centers) shall have a consistent and distinct identity through the use of similar and compatible architectural design of buildings and roofs, including materials, colors, and style.

(2) For all commercial and mixed-use development, a development design pattern book must be submitted to the planning commission for review and approval prior to approval of any site plan within the development to ensure that the architecture of proposed structures is compatible with surrounding development; recommendations made within the comprehensive plan; recommendations made within the countywide development guidebook; and standards set forth in this section. All structures within the development must adhere to guidelines established by the approved development

design pattern book, and any deviations from those guidelines must be approved by the director, with written documentation justifying the request. The development design pattern book shall include:

a. Written descriptions and graphics explaining how the development complements existing development in the surrounding area and relates to recommendations made in the comprehensive plan and countywide development guidebook; and

b. Written descriptions and graphics explaining the theme and physical form of the project's architectural design. The written description shall identify specific materials, colors, and architectural details that are permitted within the development.

(3) Development composed of multiple buildings totaling 20,000 or more square feet of gross floor area shall be configured to:

a. Break up the site into a series of smaller "blocks" defined by vehicle accessways, pedestrian walkways, or other circulation routes;

b. Frame the corner of an adjacent street intersection or entry point to the development;

c. Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site;

d. Frame and enclose on at least three sides of parking areas, public spaces, or other site amenities; or

e. Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.

(g) *Outparcel development.*

(1) To the maximum extent practicable, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings.

(2) Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces. (See figure 83-477(e), Outparcel development.)

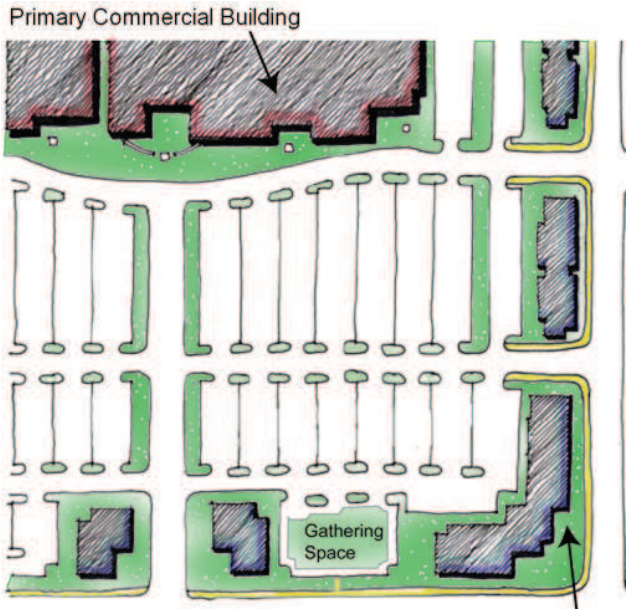


Figure 83-477(e): Outparcel development.

(h) *Materials.*

(1) Building façade materials shall be limited to wood, brick, stone, decorative block, stucco, or other materials with a similar appearance, durability, and quality. The use of metal or vinyl siding is subject to review and approval by the director.

(2) At least 70 percent of building façades visible from existing or planned roadways shall be constructed of wood, brick, stone, and/or other materials with a similar appearance, durability, and quality. No more than 30 percent of building facades visible from existing or planned roadways shall be adorned with stucco or decorative block.

(3) No building exterior visible from existing or planned roadways shall be constructed entirely of metal or unadorned concrete block, or of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building.

(4) Chain link security fencing shall have a dark vinyl coating rather than a bare galvanized steel finish.

(5) Wall-mounted exhaust fans shall be painted to match the building or screened from view.

(i) *Colors.*

(1) Façade colors for all portions of the building shall be low reflectance, subtle, neutral or earth-tone colors (no primary colors). Building trim and accent areas may feature brighter colors that complement the building's overall appearance.

(2) Junction and accessory boxes, including meter boxes (excluding glass), and any pipes or conduit to boxes shall be the same color as the building.

(j) *Roofs.*

(1) Principal buildings shall incorporate roof pitches between 3:12 and 12:12, or incorporate a parapet at least three feet high with a three-dimensional cornice around a flat roof. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

(2) Any roof visible from an adjoining street or property shall be constructed of wood, tile, standing seam metal, heavy-grade architectural fiberglass shingles, slate, or other materials with a similar appearance, durability, and quality.

(3) All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.

(4) Buildings with multiple uses or in excess of 25,000 square feet shall have alternating roof structures to give the appearance of multiple buildings unless a different design is approved by the director.

(k) *Façade articulation.*

(1) *Offsets required.* Street-facing front building facades that are greater than 60 feet wide shall be articulated with wall offsets (e.g. projections or recesses in the façade plane) that are at least one foot deep, at least ten feet wide, and spaced no more than 40 feet apart.

(2) *Offset alternatives.* The following alternatives can be used alone or in combination as an alternative to the required front façade offsets:

a. Distinct changes in façade texture, materials, or color that follow the same dimensional standards as the offset requirements;

b. Roofline variations that vertically align with a corresponding wall offset or change in façade texture, materials, or color, including changes in roof form and/or the height of parapet walls; or

c. Vertical accents or focal points.

(3) *Side facades.* The side facades of buildings visible to the general public from any roadway and/or public view shall be articulated with the same façade details as provided on the building's front façade, or be screened from off-site views through fences, walls, or landscaping at least eight feet high. Unless such screening is provided, architectural details and materials on the front of the building shall not abruptly end but be continued to the side walls.

(4) *Outbuildings.* Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and building form detail on all sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

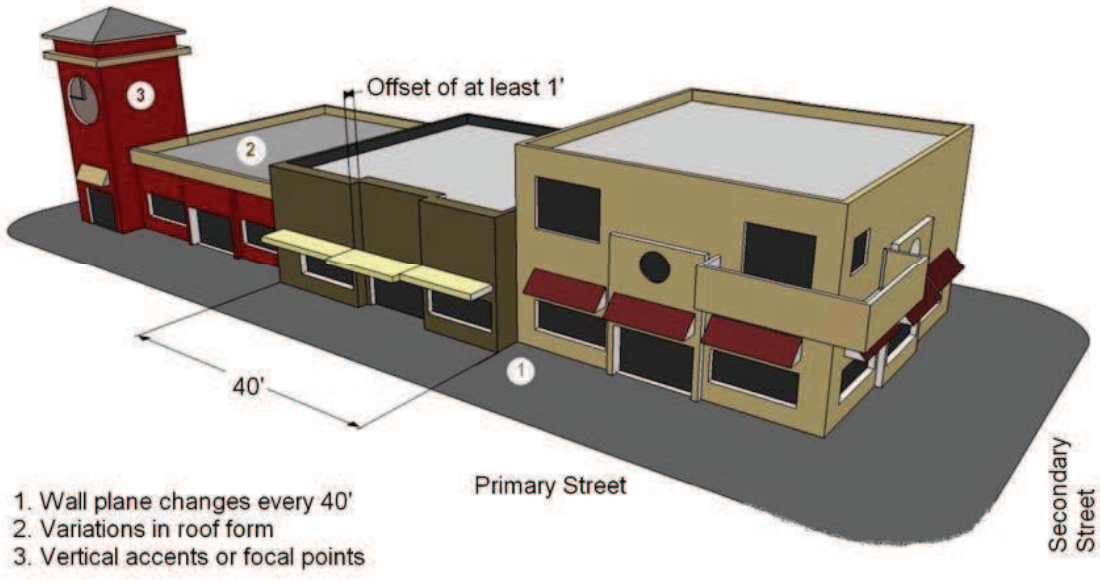


Figure 83-477(g)(1): Facade articulation.

(l) *Fenestration / transparency.* At least 30 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by doorways or transparent windows. Upon request by the property owner or applicant, the director may approve modifications to this subsection, provided that other architectural features are incorporated into street-facing façades to add visual interest, and such approval is in writing with justification for the modification.

(m) *Loading, service, and equipment areas.*

(1) Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.

(2) Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.

(3) Outdoor storage areas shall be screened in accordance with the standards for outdoor storage in article VII, Use Standards.

(n) *Pedestrian amenities.* Architectural pedestrian amenities such as benches, fountains, decorative light fixtures, plantings, and awnings shall be provided subject to review and approval by the director.

(o) *Mixed-use buildings in Village Center Districts.* Mixed-use buildings in the Village Center (VC) and Village Center Planned Development (VC-PD) districts shall meet the following standards:

(1) The ground level shall be devoted to commercial space; and

(2) Ground-level commercial space shall be located along those facades adjacent to or most visible from primary street frontages or major pedestrian walkways.

(p) *Maximum building size in village center districts.* In the Village Center (VC) and Village Center Planned Development (VC-PD) districts, total building area shall not exceed 45,000 square feet, unless a conditional use permit (CUP) is approved by the Board of Supervisors.
(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2015-06, 5-4-15; Ord. No. O-2018-18, 6-25-18)

Secs. 83-478, 83-479. Reserved.

Sec. 83-480. Large retail establishment standards.

(a) *Applicability.*

(1) *General.* A single-tenant building in any district that has a gross floor area of 60,000 square feet or more and devotes 60 percent or more of the total floor area to retail sales activities ("large retail buildings") shall comply with the general institutional, commercial, and mixed-use development standards in section 83-477(c) through section 83-477(l) above and the standards in this subsection. If there is a conflict between the standards in section 83-477(c) through section 83-477(l) and those in this subsection, the standards in this subsection shall control. (See figure 83-480, Examples of large retail establishments.)



Figure 83-480: Examples of large retail establishments.

(2) *Review for compliance.* Review for compliance with the standards of this subsection shall occur during review of an application for site plan approval (article II, Administration) or a zoning compliance permit (article II), as appropriate.

(b) *Location of surface parking.*

(1) Except in Village Center (VC) and Village Center Planned Development (VC-PD) Districts, up to 60 percent of the total off-street surface parking provided may be located between the front facade of the building and the street it faces. In Village Center (VC) and Village Center Planned Development (VC-PD) Districts, up to 30 percent of the total off-street surface parking provided may be located between the front facade of the building and the street it faces.

(2) Off-street surface parking lots with 200 or more spaces shall be organized into a series of modules in accordance with section 83-461(d)(4)b., Areas with 200 or more spaces.

(See figure 83-480(b), Large retail parking location.)

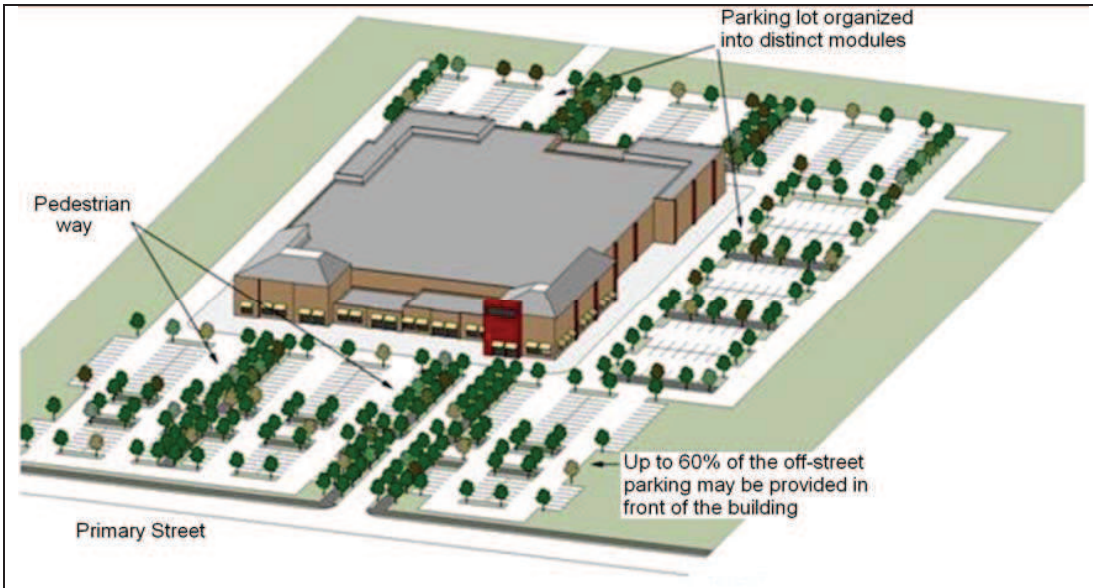


Figure 83-480(b): Large retail parking location.

(c) *Pedestrian circulation.*

(1) To the maximum extent practicable, there shall be pedestrian circulation from the perimeter of the site to the primary customer entrances to all buildings. Within the site, there shall be pedestrian connections to all pedestrian activities, including: transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian circulation systems.

(2) Pedestrian walkways shall be provided through parking areas and shall be distinguished from other surfaces through a combination of two or more of the following features:

a. Six-inch vertical curb;

b. Special railings;

c. Bollards;

d. Special paving;

e. Low seating wall or similar feature;

f. Pedestrian scale lighting; or

g. Traffic calming devices.

(d) *Building entrances.* Buildings shall have clearly defined, highly visible customer entrances featuring at least three of the following features:

(1) Canopies or porticos above the entrance;

(2) Roof overhangs above the entrance;

(3) Entry recesses or projections (such as enclosed vestibules);

(4) Arcades that are physically integrated with the entrance;

(5) Raised corniced parapets above the entrance;

(6) Gabled roof forms or arches above the entrance;

(7) Outdoor patios or plazas adjacent to the entrance;

(8) Display windows that are directly adjacent to the entrance; or

(9) Integral planters or wing walls that incorporate landscaped areas or seating areas.

(e) *Facades and massing.* To reduce their perceived mass and scale, buildings shall incorporate two or more of the following elements on each street-facing facade:

(1) Variations in roof form and parapet heights;

(2) Pronounced wall offsets that are at least two feet deep;

(3) Distinct changes in texture and color of wall surfaces;

(4) Ground level arcades and second floor galleries or balconies;

(5) Protected and recessed entries; and

(6) Vertical accents or focal points.

(See figure 83-480(e), Example of large retail building entrances and massing.)

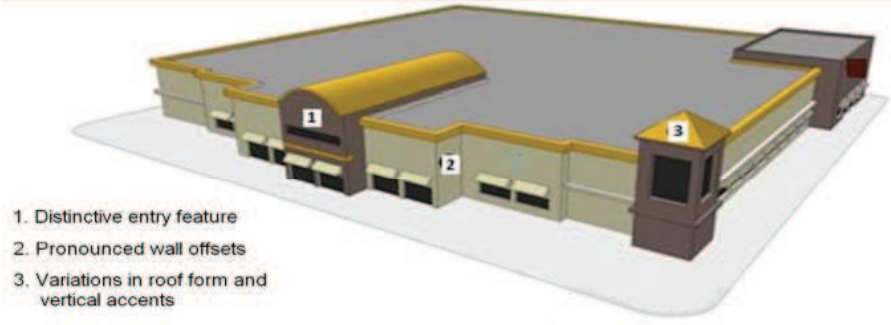


Figure 83-480(e): Example of large retail building entrances and massing.

(Ord. No. O-2013-08, 9-16-13)

Sec. 83-481. Reserved.

Sec. 83-482. Industrial development standards.

(a) *Purpose.* These industrial development standards are intended to identify the county's goals and expectations for industrial development, resulting in greater predictability during the development review process. Recognizing that the form of industrial developments is based

on the function of the uses within the development, the focus of these standards is minimizing the industrial development's potential negative impacts on adjacent land uses and improving the appearance of industrial development along the gateways and entrances to the county.

(b) *Applicability.*

(1) *General.* Except as provided otherwise in this section, the standards in this section shall apply to all industrial development.

(2) *Review for compliance.* Review for compliance with the standards of this subsection shall occur during review of an application for site plan approval (article II, administration) or a zoning compliance permit (article II), as appropriate.

(c) *Building orientation and configuration.*

(1) *Single-building development.* A development composed of a single building shall orient the building facade containing its primary patron entrance to face the street from which the building derives its street address.

(2) *Concealment of operations and loading areas.* A development shall locate and configure buildings to conceal operations and loading areas from off-site views.

(3) *Accessory structures and uses.* Accessory structures and uses shall not front a street and shall be located in a manner that minimizes their impacts on adjacent uses.

(d) *Entrance.* Each principal building shall have clearly defined, highly visible primary entrances for occupants and patrons that incorporate at least one of the following features to emphasize the importance of the entrance:

(1) Canopy or portico;

(2) Roof overhang;

(3) Horizontal recess or projection;

(4) Arcade or arch;

(5) Peaked roof form;

(6) Outside patio;

(7) Display window;

(8) Tile work or moldings integrated into the form of the building facade;

(9) Integrated planters or wing walls that incorporate landscaped area or seating areas; or

(10) Similar building form features not found on the remainder of the building facade.

(e) *Facade articulation.* General design standards in section 83-477, Institutional, commercial, and mixed-use development standards, shall not apply. Instead, each street-facing building facade shall be horizontally and/or vertically articulated to avoid long, blank wall planes, by meeting at least one of the following standards:

(1) *Wall plane horizontal articulation.* Each facade greater than 100 feet in length shall be articulated with wall offsets (e.g., projections or recesses in the facade plane), changes in facade color or material, or similar features that visually interrupt the wall plane horizontally such that the width of uninterrupted facade does not exceed 100 feet.

(2) *Vertical articulation.* Each facade greater than 30 feet in height shall incorporate a change in the wall surface plane or in facade color or material that visually interrupts the wall plane vertically such that the height of uninterrupted facade does not exceed 30 feet.

(3) *Roof line variation.* The facade shall include variations in roof planes and/or in the height of a parapet wall at least every 60 feet of roofline length along the facade.

(f) *Loading and service areas.* Loading and service areas shall be separated from patron parking, pedestrian areas, and main drive aisles, and shall be located as far as practicable from any abutting single-family residential development.
(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2018-18, 6-25-18)

Sec. 83-483. Reserved.

Sec. 83-484. Residential compatibility standards.

(a) *Purpose.* These residential compatibility standards are used to provide a proper transition and compatibility between single-family detached residential development and more intense multifamily residential, nonresidential, and mixed-use development. More specifically, it is the intent of these standards to:

(1) Provide effective transitions between single-family residential uses and more intense uses;

(2) Protect the character of existing single-family residential development from negative impacts resulting from more intense adjacent forms of development;

(3) Use development form and design treatments to ensure compatibility instead of large vegetated buffers that consume excessive amounts of available land;

(4) Limit interruptions in vehicular and pedestrian connections created by efforts to segregate uses; and

(5) Establish or maintain vibrant pedestrian-oriented areas where differing uses can operate in close proximity to one another.

(b) *Applicability.*

(1) *General.* Unless exempted below, these residential compatibility standards shall apply to the following forms of development:

a. Multifamily and townhouse residential, nonresidential, and mixed-use development located on land abutting or across a local street or alley from existing single-family detached residential development.

b. Any expansion or alteration of an existing multifamily or townhouse residential, nonresidential, or mixed-use structure located on land abutting or across a local street or alley from existing single-family detached residential development, where the expansion increases the structure's floor area by 50 percent or more, or the alteration involves 50 percent or more of the structure's floor area.

(2) *Exemptions.* Multifamily and townhouse residential, nonresidential, and mixed-use development located on lots separated from single-family detached residential development by a street with four or more lanes are exempt from these standards.

(3) *Conflict.* In the case of conflict between these standards and other development standards in this article, the residential compatibility standards in this section shall control.

(4) *Review for compliance.* Review for compliance with the standards of this subsection shall occur during review of an application for site plan approval (article II, Administration) or a zoning compliance permit (article II), as appropriate.

(c) *Compatibility standards.* All multifamily and townhouse residential, nonresidential, and mixed-use development subject to this section shall comply with the following standards:

(1) *Use intensity.* For multi-building development that includes varying uses and/or development intensities in different buildings, the development shall locate buildings with the least intense use and/or development nearest to the abutting single-family detached residential development.

(2) *Building height.*

a. Buildings within 50 feet of a lot line shared with existing single-family dwelling may not exceed the lesser of the maximum height for the district where located or a maximum height of 35 feet.

b. Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located nearest the adjacent single-family dwelling.

(See figure 83-484(c)(2), Compatible building heights.)

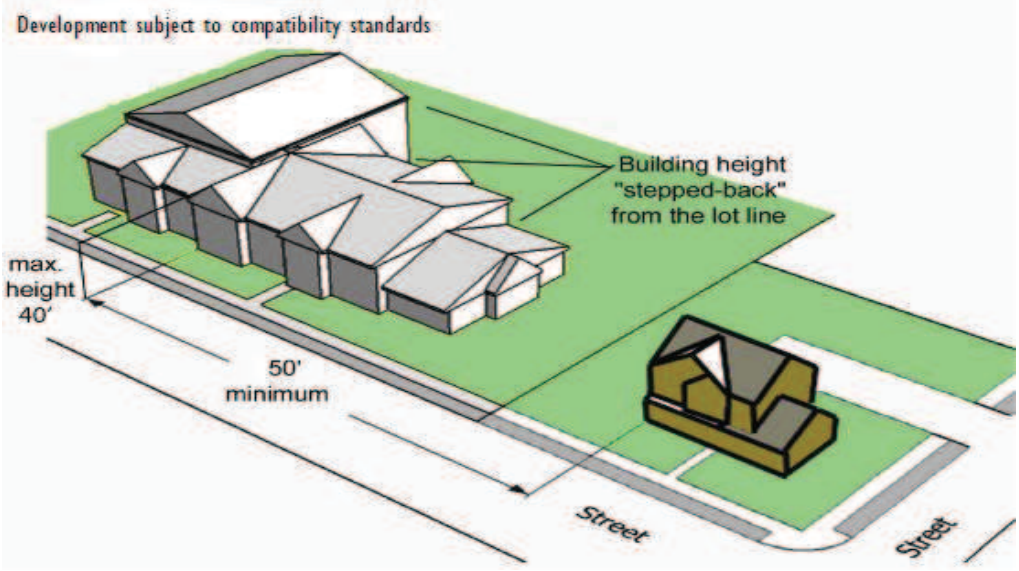


Figure 83-484(c)(2): Compatible building heights.

(3) *Building setbacks.* Setbacks of buildings from the street shall be consistent with those for other buildings on the block face and across the street to maintain a consistent plane along the public street frontage. Building setbacks shall vary no more than ten percent from those of abutting buildings.

(4) *Building standards.*

a. Buildings shall:

1. Use a similar roof type to adjacent single-family dwellings in terms of slope and arrangement to prevent abrupt changes in roof form; and

2. Orient porches, balconies, and outdoor activity areas away from adjacent single-family dwellings.

b. Retail commercial buildings that face single-family development shall be developed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total facade width.

(See figure 83-484(c)(4), Compatible building development.)

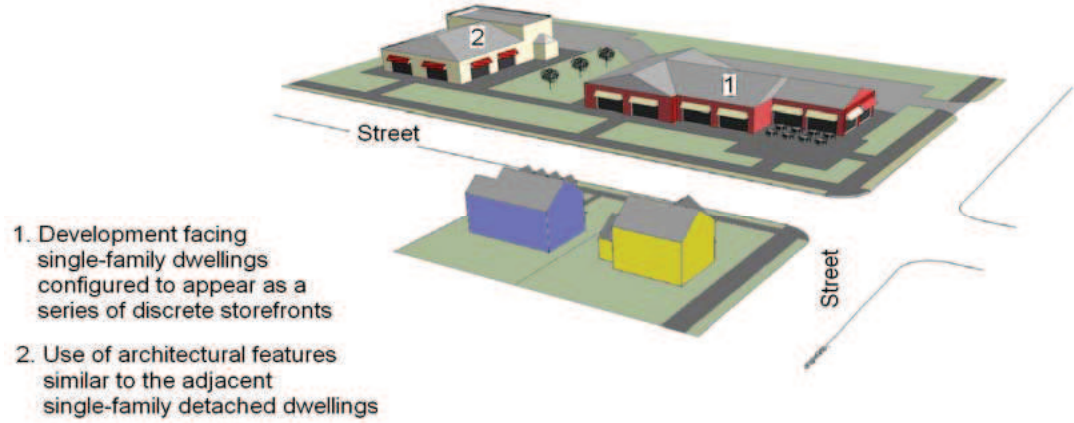


Figure 83-484(c)(4): Compatible building development.

(5) *Off-street parking areas.*

a. Off-street parking on lots adjacent to a single-family dwelling shall be located as follows (listed in priority order):

1. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
2. Adjacent to lot lines abutting nonresidential development;
3. Adjacent to lot lines abutting mixed-use development;
4. Within a lot's corner side yard;
5. Behind the building;
6. In front of the building; or
7. Adjacent to lot lines for the abutting single-family dwelling.

b. The facade of any parking structure facing adjacent single-family residential development shall be developed to appear as a solid building wall to soften its visual impact.

c. Off-street surface parking areas located adjacent to single-family residential development shall be screened by a type C perimeter buffer, in accordance with section 83-461(e), Perimeter buffers.

(6) *Loading, service, and refuse areas.* Loading, service, and refuse areas shall be:

a. Screened from view of single-family dwellings using materials that are the same as, or of equal quality to, the materials used for the principal building; and

b. Incorporated into the overall layout of the building and landscaping so that the adverse impacts of these functions are fully contained and out of view from adjacent properties and public streets.

(7) *Exterior lighting.* Exterior lighting shall:

a. Be full-cut-off, or be fully shielded such that the source of illumination is not visible from off-site views; and

b. Maintain maximum illumination values of 0.5 foot-candles or less at lot lines abutting an existing single-family dwelling.

(8) *Operational standards.* Uses subject to these residential compatibility standards shall:

a. Cease outdoor dining or other outdoor activities after 10:00 p.m. on Sunday through Thursday nights and after midnight on Fridays and Saturdays;

b. Limit trash collection or other service functions to between the hours of 7:00 a.m. and 7:00 p.m.; and

c. Extinguish amplified music, singing, or other forms of noise audible at lot lines shared with single-family dwelling after 10:00 p.m. on Sunday through Thursday nights and after midnight on Fridays and Saturdays.

(Ord. No. O-2013-08, 9-16-13)

Sec. 83-485. Farmland compatibility standards.

(a) *Purpose.* The purpose of these farmland compatibility standards is to promote development that is compatible with existing farms and agricultural uses in Powhatan County. Specifically, the standards in this section are intended to:

(1) Ensure new nonagricultural development does not negatively impact the continuation of agricultural operations and activities on abutting land;

(2) Complement state right-to-farm laws that provide that properly conducted agricultural operations do not constitute nuisances;

(3) Maintain and promote rural character in agricultural areas; and

(4) Ensure greater compatibility between existing farms and new nonagricultural development.

(b) *Applicability.*

(1) *General.* These standards are applicable to new residential, institutional, commercial, or industrial development proposed on land that abuts land zoned agricultural-20 (A-20), agricultural-10 (A-10), or agricultural/animal confinement (A-C) and is currently used for on-going agricultural operations—that is, operations and activities directly associated with an agriculture use as described in the agricultural uses provisions of Article XII, Interpretations. These standards do not apply to properties located within Courthouse Village or 711 village special area plan areas as designated in the comprehensive plan.

(2) *Review for compliance.* Review for compliance with the standards of this subsection shall occur during review of an application for site plan approval (article II, Administration) or a zoning compliance permit (article II), as appropriate, for the new residential, institutional, commercial, or industrial development.

(c) *Compatibility standards.*

(1) *Agricultural buffer.*

a. Buffer required. The new development shall provide and maintain a vegetative buffer along all property lines abutting land used for agricultural operations for as long as the agricultural operations continue.

b. Buffer width.

1. The agricultural buffer shall be at least 100 feet wide, except for properties located within Route 60 Corridor East Special Area Plan area, as designated in the comprehensive plan, where a 50-foot agricultural buffer shall be required for properties 100 acres or greater and that no agricultural buffer shall be required for properties less than 100 acres.

2. The director may allow the buffer width to be reduced by up to 20 percent upon determining that the reduced buffer width is justified by the type or intensity of the adjacent agricultural operations, an intervening topographic change, an intervening riparian buffer, or the existence or provision of vegetation in addition to that required in subsection (c) below.

c. Buffer materials.

1. Agricultural buffers should consist of a mix of trees, shrubs, berms, and natural features sufficient to reduce noise, spray drift and dust, diffuse light, and act as a physical separation between nonagricultural and agricultural uses. All buffers shall incorporate a vegetative screening component to reduce conflict potential between residential and agricultural uses.

2. A buffer may incorporate a wall or fence to provide additional screening and/or limit access between the development and the abutting agricultural land.

3. Where the agricultural buffer is directly adjacent to a residential dwelling or residential lot, the length of the buffer running parallel to the dwelling along the property line shall be landscaped as follows in addition to any other vegetative buffer or fence:

i. The buffer shall be planted with a minimum of two off-set rows of trees planted that provides an average spacing between trees of ten feet or less.

ii. Each tree shall be a minimum height of eight feet and minimum caliper of two inches when planted.

iii. Each tree shall be a native species that can be expected to attain a minimum height of 35 feet and have a crown width of 25 feet or greater at maturity.

d. Uses permitted in buffer. Development allowed within an agricultural buffer is limited to:

1. Landscaping with native plants, trees, or hedgerows;

2. Crossings by roadways, driveways, railroad tracks, and utility lines (and associated maintenance corridors), where the crossing is aligned to minimize any reduction of the buffer's effectiveness;

3. Trails that involve minimal removal or disturbance of buffer vegetation;

4. Stormwater management facilities to the extent determined to be necessary by the administrator;

5. Vegetation management, including the planting of vegetation or pruning of vegetation, removal of individual trees that pose a danger to human life or nearby buildings, removal of individual trees to preserve other vegetation form extensive pest infestation, removal of understory nuisance or invasive vegetation, or removal or disturbance of vegetation as part of emergency fire control measures; and

6. Any other development determined by the administrator to be consistent with the use of the property as an agricultural buffer.

e. Maintenance.

1. Property owner(s) are responsible for all aspects of continuous maintenance of buffer areas.

2. Property owner(s) shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within three months, weather permitting.

3. If the development consists of multiple parcels that may be held under separate ownership, a homeowners association, property owners association, or similar entity shall be required to maintain buffers to control litter, fire hazards, pests, and other maintenance problems.

4. Buffer maintenance requirements shall be stipulated through inclusion in covenants, conditions, and restrictions.

(2) *Location and configuration of open-space set-asides.* Where the new development includes open space set-asides, such open space set-asides shall, to the maximum extent practicable, be located between the abutting existing agricultural use and buildings in the new development, and be configured to accommodate the agricultural buffer required in subsection (1) above.

(3) *Preservation of direct access.* The new development shall be configured to retain direct access for farm vehicles between the abutting agricultural land and an adjacent street.

(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2014-14, 2-18-14)

Sec. 83-486. Sustainability; incentives for sustainable development practices.

(a) *Purpose.* The purpose of this subsection is to promote sustainable development practices as a means of protecting and conserving natural resources and ensuring a high quality of life for future county residents. More specifically, it is intended to provide incentives that encourage new development in village growth areas to use site and building development options that conserve energy, promote a healthy landscape, support public health and safety, and otherwise increase the development's sustainability.

(b) *Type of incentives.*

(1) Development integrating sustainable development practices in accordance with the provisions of this section shall be eligible for the following incentives:

a. A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the village growth area districts;

b. An increase in the maximum allowable building coverage by ten percent beyond the maximum allowed in the village growth area districts;

c. A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent, or an increase to the maximum allowable number of spaces provided by 15 percent (without an alternative parking plan);

d. An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by ten percent; or

e. A reduction in the amount of required open space set-aside by ten percent.

(2) Development may include a sufficient number of sustainable development practices to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this subsection.

(c) *Applicability.* New development in the village growth area districts and village growth area planned development districts that provide sustainable features in accordance with this subsection shall be eligible for the incentives listed in table 83-486(c), Sustainable development practice incentives below.

Table 83-486(c): Sustainable Development Practice Incentives

Type of Incentive	*Minimum Number of Sustainable Development Practices Provided*	
	From Schedule A	*From Schedule B*
An increase in gross residential density bonus by up to 10 percent beyond the maximum allowed in the base zoning district	2	4

Table 83-486(c): Sustainable Development Practice Incentives		
Type of Incentive	*Minimum Number of Sustainable Development Practices Provided*	
	From Schedule A	*From Schedule B*
An increase in the maximum allowable lot coverage by 10 percent beyond the maximum allowed in the base zoning district	1	2
A reduction in the minimum number of parking spaces required by up to 15 percent, or an increase in the maximum number of parking spaces allowed by up to 15 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent	1	3
A reduction in the amount of required open space set-aside by 10 percent	1	2

(d) *Conflict with neighborhood compatibility standards.* In cases where bonuses in this section conflict with the neighborhood compatibility standards in section 83-476, Multifamily and townhouse development standards in village growth area districts, the neighborhood compatibility standards shall control.

(e) *Procedure.*

(1) Applicants seeking to use the sustainability incentives shall include a written request with the development application.

(2) Review for compliance with this section, and granting of requests in accordance with this section, shall occur during review of a site plan (article II, Administration) or zoning compliance permit (article II), as appropriate.

(3) The incentive granted shall be based on the number of sustainable development practices provided, in accordance with table 83-486(c), Sustainable development practice incentives, and section 83-486(f), Menu of sustainable development practices.

(f) *Menu of sustainable development practices.* Table 83-486(f), Sustainable Development practices, below lists sustainable development practices that an applicant may offer and provide as part of a proposed development to qualify for the sustainability incentives set forth in section 83-486(b), Type of incentives.

Table 83-486(f): Sustainable Development Practices		
Schedule	*Type of Practice*	*Documentation of Compliance*
Energy Conservation		
A	Inclusion of solar photovoltaic panels or small wind energy facilities	Indication on site plan

Table 83-486(f): Sustainable Development Practices		
Schedule	*Type of Practice*	*Documentation of Compliance*
A	Use of central air conditioners that are Energy Star qualified	Provision of manufacturer's certification statement
A	Use of only solar or tankless water heating systems throughout the structure	Inclusion on construction drawings
A	Use of a white roof or roofing materials with minimum reflectivity rating of 60 percent or more	Provision of materials sample and manufacturer's certification statement (statement not required for white roofs)
B	Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	Indication on site plans
B	Roof eaves or overhangs of three feet or more on southern or western elevations	Indication on site plans
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	Inclusion on construction drawings
B	Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building facade	Indication on site plan
B	Configuration of new buildings with one axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	Indication on site plan
Leed Certification		
AA[1]	Construction of the principal structure to meet or exceed LEED Platinum certification standards	Provision of Green Building Certification Institute's verification of project compliance (may be provided within one year following occupancy)
A	Construction of the principal structure to meet or exceed LEED Gold certification standards	
BB[2]	Construction of the principal structure to meet or exceed LEED Silver certification standards	
B	Construction of the principal structure to meet or exceed LEED Bronze certification standards	
Water Conservation and Quality Protection		
AA[1]	Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof intended to capture and hold rain water	Indication on site plan
A	Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons	Inclusion on construction drawings

Table 83-486(f): Sustainable Development Practices		
Schedule	*Type of Practice*	*Documentation of Compliance*
A	Provision of rain gardens or other appropriate stormwater infiltration system(s) of at least 500 square feet in area	Indication on site plan
A	Provision of open space set-asides at a rate 200 percent or more beyond the minimum required	
B	Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area	
B	Removal of all lawn or turf in favor of ground cover consisting of plant material or mulch	
B	Use of xeriscape landscaping techniques without irrigation	
B	Provision of 150-foot undisturbed buffers adjacent to/surrounding all wetlands or surface waters	
B	Use of permeable surfacing on 25 percent or more of the vehicular use area	
B	Use of reclaimed water from the county system, for irrigation	
Building Configuration		
A	Construction of principle structure in accordance with Barrier Free Design Standards (ANSI A1171.1)	Inclusion on construction drawings
A	Construction of the principal structure to a design wind speed standard of 150 mph	Signed attestation from a qualified VA licensed engineer
A	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	Indication on site plan
B	Provision of on-site transit facilities (e.g., designated park-and-ride parking spaces, bus shelters, water-taxi stops, or similar features)	Inclusion on construction drawings
B	Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	
B	Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclable generated on-site	Indication on site plan
Notes: 1. Credited as provision of two schedule "A" features. 2. Credited as provision of two schedule "B" features.		

(g) *Failure to install or maintain sustainable development practices.* The failure to install or maintain approved sustainable development practices is a violation of this chapter, shall render the subject development nonconforming, and may result in revocation of the authorization for use of sustainable development practice incentives.
(Ord. No. O-2013-08, 9-16-13)

Sec. 83-487. Reserved.

Sec. 83-488. Signage.

(a) *Purpose.* The following sign regulations are established to protect and enhance the character of roadways and surrounding areas; to prevent diminishing property values due to excessive signage; to safeguard the public use and nature of roadways; to minimize visual

distractions to motorists along public roads; to promote maximum legibility of signs and to prevent their over concentration as well as excessive height, bulk, and area; to promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, collision, decay or abandonment; and to enable customers and other persons to identify and locate a business.

(b) *Applicability.*

(1) General.

a. No person, except a public officer or employee in performance of a public duty, shall paste, post, print, nail, tack, erect, place, maintain, or fasten any sign, banner, pennant, outdoor advertising sign, billboard, or notice of any kind—or cause the same to be done—that faces or is visible from any public street or public open space without a sign permit, except as otherwise provided in subsection (2) below or elsewhere in this section.

b. A sign permit must be approved prior to the release of a temporary certificate of occupancy. An approved sign must be installed prior to the release of the final certificate of occupancy.

c. All signs requiring a sign permit shall be registered with the director.

(2) *Signs not requiring a sign permit.* The following signs may be erected without a sign permit:

a. Signs of a duly-constituted governmental body, including traffic or similar regulatory devises, legal devices, or warning at railroad crossings.

b. Memorial tablets or signs, grave stones.

c. Signs required to be maintained by law or governmental order, rule, or regulation.

d. Signs that are within a ball park or other similar private recreational use and which cannot be seen from a public street or adjacent properties.

e. Flags or emblems of any political unit, government, civic, philanthropic, educational, or religious organization, provided that no flag pole shall exceed 40 feet in height.

f. Internal directional signs displayed for the direction or convenience of the public on private property but bearing no advertising material indicating whether to enter, exit, whether the use is open or closed, stop, one-way, employee parking, shipping, and similar activities as well as signs identifying restrooms, public telephones, and other such facilities available for the general public, provided that such signs shall not exceed four square feet in area and five feet in height.

g. Signs placed by a public utility showing the location of underground facilities.

h. Residential yard sales signs not more than eight square feet in area, provided the sign is only posted at the location of the sale and is removed within 48 hours after the event.

i. One temporary on-site real estate sign advertising the sale or rental of the residential premises, provided the sign does not exceed eight square feet in area and seven feet in height, and is removed after the sale or rental of such property.

j. Temporary off-site real estate signs directing the way to the residential premise for sale or rent, provided the sign is located outside the public right-of-way, does not exceed four square feet in area, and is removed promptly when the property has been sold or rented.

k. One temporary sign advertising the sale of farm products grown or produced on the premises, provided the sign does not exceed 12 square feet in area and ten feet in height, and is removed within ten days after the growing season.

l. Temporary signs containing political campaign messages, provided the sign does not exceed 50 square feet in area and eight feet in height, and is removed within five days after the election event.

m. Signs used for the purposes of displaying the name of a home occupation for a single-family residence, provided the sign is not illuminated, is no larger than one square foot in area, and is mounted flat against the wall of the principal building.

n. Signs prohibiting trespassers, hunting, fishing, solicitors, or parking, or announcing adoption of highways for litter control, posted property, crime watch areas, or the towing of unauthorized vehicles, provided the sign is not illuminated and is not more than three square feet in area.

o. County and Powhatan Courthouse entry way signs.

p. Off-site directional signs for places of worship, schools, hospitals, parks, libraries, historic areas, or other similar institutional or public uses, provided that the sign does not exceed eight square feet in area and seven feet in height, and is not located in the public rights-of-way.

(c) *Prohibited signs.* The following signs shall be prohibited:

(1) Unauthorized signs located at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of two and one-half and eight feet; or at any other location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

(2) Attention-getting devices, unless approved as a temporary sign in accordance with section 83-488(h), Temporary signs. Search lights are prohibited for use as attention-getting devices.

(3) Signs that emit visible smoke, vapor, particles, or odor.

(4) Signs erected, constructed, or maintained so as to obstruct, or be attached to any fire-fighting equipment, window, door, or opening used as a means of ingress or egress or for firefighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.

(5) Signs with any lighting or control mechanism which causes radio or television or other communication interference.

(6) Signs with flashing, animated, or intermittent illumination, except electronic message signs (EMS) and signs displaying time, date, temperature, and fuel process, or signs approved as a temporary sign in accordance with section 83-488(h), Temporary signs.

(7) Signs that imitate or resemble any official traffic sign, signal or device or use the words "Stop" or "Danger" prominently displayed, or that present or imply the need or requirement of stopping or the existence of danger on any highway.

(8) Signs that are not effectively shielded so as to prevent beams or rays of light from being directed on adjoining property or on any portion of the traveled ways of a street or highway and that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle.

(9) Signs advertising any activities determined by appropriate authorities to be illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities.

(10) Signs that are obsolete or inconsistent with state law or the provisions of this chapter.

(11) Signs extending above the roof line of a building.

(12) Signs located within the public rights-of-way, except those posted by or on behalf of a governmental body.

(13) Red and green lighted signs within 100 feet of a signaled intersection.

(14) Portable, mobile type signs, unless approved in accordance with a temporary sign permit.

(15) Outdoor advertising signs.

(16) Any sign displayed on a stationary vehicle or truck trailer prominently facing the adjacent public roads and used for the purpose of a business sign unless the vehicle is in the act of loading/unloading or is parked in a designated parking space.

(17) With the exception of an illuminated logo sign, canopies or awnings that are internally lighted and covered with a translucent material.

(d) *General sign standards.*

(1) *Illumination.* Signs may be internally or externally illuminated provided the external illumination shall be concealed or screened and properly focused upon the sign itself as to prevent glare upon the adjoining public streets and properties, except in the 711 Village Special Area Plan where internally illuminated signage shall be prohibited.

(2) *Landscaping.* Grass, live ground cover, shrubs, trees, and/or mulch consistent with other site plantings shall be provided around each individual permanent freestanding sign.

(3) *Visibility at commercial entrances.* No sign shall be erected or allowed to be erected adjacent to a commercial entrance in such a manner as materially to impede vision between a height of two and one-half and ten feet above the center grade of the street.

(4) *Material.* All structural elements shall be covered with a material having a similar color and finish to the building that it advertises.

(e) *Sign standards for business uses.*

(1) *Applicability.* The standards in this subsection regulate the posting of onsite signage identifying commercial and industrial business operations. Such signage may be building-mounted signs, freestanding signs, or temporary signs.

(2) *Building-mounted signs.* Any business or industrial use is permitted building- and canopy-mounted signs pertaining to the use in accordance with the following standards:

a. Total sign area.

1. The total area of such signs shall not exceed one and one-half square foot per lineal foot of each building facade, up to a maximum of 150 square feet—provided that a minimum total sign area of 25 square feet is permitted. For buildings having facades exceeding 150 feet, the maximum total building-mounted sign area may be increased one square foot for each additional three linear feet of facade.

2. Building-mounted signs shall be calculated based on the length of each building facade, excluding any canopy.

3. The sign area of building-mounted signs made up of individually mounted letters or logos shall be calculated by measuring the sum of the area within a series of rectangles that encompass each individual letter or logo. The sign area for other building-mounted signs shall be calculated by measuring the area within a rectangle that encompasses the limits of all letters, logos, advertising surfaces, background, framing, ornamentation, or sign can.

4. The maximum total building-mounted sign area may be increased by 50 percent for buildings on lots located at the intersection of public roads, provided that the sign area exposed to any single street is not increased beyond what is normally permitted under subsection 1 above.

b. Other standards.

1. Building-mounted signs shall be attached against the wall of the building.

2. Building-mounted signs shall not project above the roof line or coping nor face the side lot of an adjoining residential property.

3. Building-mounted signs shall be in general conformity to the structure, and the surrounding architecture.

4. Signage displayed on or attached to a canopy—including stripes and logos—shall not cover more than 25 percent of the area of any one canopy side.

5. Within shopping centers with a pedestrian canopy running along the fronts of stores, each such store is permitted one sign located under and attached to the canopy provided the sign does not exceed eight square feet in area, is located in front of the store's main entrance, and is mounted perpendicular to the store front.

(3) *Freestanding signs.* Freestanding signs are permitted in accordance with the following standards:

a. General.

1. Calculation of freestanding sign area. The area of a freestanding sign shall be calculated by means of the smallest square, circle, rectangle, or triangle that will encompass the limits of the writing, emblem, color, or other display, but not including any supporting framework or decorative wall or fence clearly incidental to the sign face display itself. For a sign consisting or two or more sides, where the interior angle between any of the sides exceeds 60 degrees, the third and each succeeding sign face shall be counted when calculating sign area.

2. Measurement of freestanding sign height. The height of a freestanding sign shall be measured from the street grade or the normal finished grade of the site, whichever allows for the greater height, to the top of the highest attached component of the sign or structure.

b. Type. Freestanding signs may be monument signs, pylon signs, or mast arm style signs.

c. Corner lots. Where a site fronts two streets, a freestanding sign is allowed on each street frontage. The sign on the primary frontage shall comply with the standards in table 83-488(e)(3)d. below. A sign on the secondary frontage shall be limited to one-half the area and height of the primary frontage sign. Each sign shall be installed so it is perpendicular to its respective street frontage.

d. Sign area and height standards. The area and height of freestanding identification signs for business uses shall comply with the standards set forth in table 83-488(e)(3)d. below for the development, use, or building type listed, except that in the Route 711 Special Area Plan all signs shall have a maximum height not to exceed six feet, and a maximum sign area of 24 square feet, or 50 square feet for commercial planned developments, office parks, shopping centers, and unified mixed-use developments.

Table 83-488(e)(3)d.: Maximum Area and Height of Freestanding Identification Signs for Business Uses		
Development, Use, or Building Type	*Maximum Sign Area[1, 2]*	*Maximum Sign Height*
Greenhouse or nursery	50 s.f.	15 ft.
Assisted living facility	50 s.f.	15 ft.
Day care use	50 s.f.[3]	15 ft.
Hospital	50 s.f.	15 ft.
Nursing home	50 s.f.	15 ft.
Club or lodge	50 s.f.	15 ft.
Kennel	50 s.f.[3]	15 ft.
Eating or drinking establishment[4]	50 s.f.[3]	15 ft.
Office use located within Office Parks[3]	32 s.f.[3]	10 ft.
Office park[5]	100 s.f.	20 ft.
Office use	50 s.f.	15 ft.
Recreation facility	32 s.f.	15 ft.
Motion picture theater	20 s.f. per screen, up to a maximum of 100 s.f.[6]	15 ft.
Golf course	50 s.f.	15 ft.
Golf driving range	50 s.f.	15 ft.
Miniature golf course	50 s.f.	15 ft.
Bowling alley or skating rink	50 s.f.	15 ft.
Fitness center	50 s.f.	15 ft.
Rural event venue	32 s.f.	8 ft.
Shopping center[5, 7]	100 s.f.	20 ft.
Lawn and garden store	50 s.f.	15 ft.
Funeral home	50 s.f.	15 ft.
Other retail sales and service use	50 s.f.[3]	15 ft.
Hotel or motel	75 s.f.	15 ft.
Bed and breakfast inn	20 s.f.	8 ft.
Automotive repair and servicing	50 s.f.	15 ft.
Gas station[8]	50 s.f.[9]	15 ft.
Vehicle/equipment sales or rental	50 s.f.	15 ft.
Industrial park[5]	100 s.f.	20 ft.
Industrial use occupying 25 acres or less	50 s.f.	15 ft.
Industrial use occupying more than 25 acres	100 s.f.	15 ft.

Table 83-488(e)(3)d.: Maximum Area and Height of Freestanding Identification Signs for Business Uses

Development, Use, or Building Type	*Maximum Sign Area[1, 2]*	*Maximum Sign Height*

Notes: s.f. = square feet ft. = feet DU = dwelling units
1. Sign area may be increased by 25 percent if the sign is a changeable copy sign, except for motion picture theater, commercial planned development, shopping center, office park, and industrial park signs.
2. Sign area may be increased by 15 percent if the sign is a monument sign that does not exceed eight feet in height.
3. Maximum sign area = 36 s.f. and maximum sign height = 10 ft. if the use is located within an office park, commercial planned development, shopping center, or industrial park.
4. Restaurants with drive-through service may provide for each stacking lane one menu/order board with maximum sign area of 32 s.f. and a maximum height of 6 ft.
5. See section 83-488(e)(4), Signage for commercial planned development, shopping centers, office parks, and industrial parks.
6. A minimum sign area of 50 s.f. is allowed.
7. Maximum sign area = 32 s.f. and maximum sign height = 10 ft. if the use is located on an outparcel of a shopping center.
8. Gas station signs may advertise fuel prices.
9. Maximum sign area for gas stations that share a building and common access with another commercial use may be increased by 25 s.f.

e. Setbacks.

1. Monument signs shall be set back at least five feet from any property line, except in the Route 711 Special Area Plan where all signs shall be setback at least ten feet from any property line or public street right-of-way.

2. All other freestanding signs shall be set back at least ten feet from any property line.

(4) *Signage for commercial planned development, shopping centers, office parks, and industrial parks.*

a. System of signage and graphics. Applications for a commercial planned development, shopping center, office park, or industrial park shall propose a system of signage and graphics, subject to the following standards:

1. The proposed sign package shall indicate the type, colors, sizes, lighting, and location of the signs within the development.

2. The proposed sign package shall provide that either sign cans or individually mounted letters shall be used throughout the development and shall provide a unified selection of colors to be used by tenants.

3. The letter style, graphic display, and color of all signs and graphics within the development shall be similar.

b. Unified sign standards.

1. A unified sign shall be located at the development entrance, shall include the name of the commercial planned development, shopping center, office park, or industrial park.

2. A unified sign shall provide a maximum of ten spaces for individual business names and graphics or a minimum number of spaces to accommodate every business in the development, whichever number is less.

3. If an individual business's name and/or graphics/logo are located on a unified sign, then the individual business shall be limited to a monument sign on the lot the business is located. The monument sign shall be a maximum of six foot in height and not exceed 36 square feet.

c. Directional signage. Applications for a commercial planned development, shopping center, office park, or industrial park may propose a system of directional signage to direct visitors and patrons to individual businesses within the center or park, subject to the following standards:

1. Signage shall not exceed four square feet in area and five feet in height.

2. Each sign shall include either the business name or corporate logo and a directional arrow.

3. Signage shall be placed at internal intersections within the commercial planned development, shopping center, office park, or industrial park and at shared entrances serving two or more businesses. Signage shall not be permitted at any other internal locations or at the external entrances to the shopping center, office park, or industrial park.

(f) *Sign standards for nonbusiness uses.*

(1) *Sign area and height standards.* The area and height of freestanding identification signs for nonbusiness uses shall comply with the standards set forth in table 83-488(f)(1) below for the development, use, or building type listed.

Table 83-488(f)(1): Maximum Area and Height of Freestanding Identification Signs For Nonbusiness Uses

Development, Use, or Building Type	*Maximum Sign Area*[1, 2]	*Maximum Sign Height*
Historic building	16 s.f.	8 ft.
Agriculture use	12 s.f.	10 ft.
Greenhouse or nursery	50 s.f.	15 ft.
Residential subdivision[3]	100 s.f.	10 ft.
Multifamily dwelling	20 s.f.	8 ft.

Table 83-488(f)(1): Maximum Area and Height of Freestanding Identification Signs For Nonbusiness Uses		
Development, Use, or Building Type	*Maximum Sign Area[1, 2]*	*Maximum Sign Height*
Public or semipublic use (place of worship, school, library, fire or EMS station, cemetery)	32 s.f.	15 ft.
Community service use	16 s.f.	10 ft.
Education use	16 s.f.	10 ft.

Notes: s.f. = square feet ft. = feet DU = dwelling units

1. Sign area may be increased by 25 percent if the sign is a changeable copy sign, except for movie theater, shopping center, office park, and industrial park signs.
2. Sign area may be increased by 15 percent if the sign is a monument sign that does not exceed eight feet in height.
3. One sign is allowed per street entrance to the subdivision, or one per side of such entrance if the signs are attached to an ornamental wall or feature.

(g) *Electronic messages.*

(1) *How allowed.* Electronic messages are allowed only as part of a monument sign that meets the standards in section 83-488(e)(3), Freestanding signs. The area of the electronic message display shall count as part of the sign area for the monument sign.

a. Electronic message displays are limited to no more than three lines of alphabetical and numerical text only. No graphics are allowed in any form.

b. The current message displayed must remain on for three minutes before another message can take its place. This time interval is for all messages.

c. Changing messages shall enter and exit the face of the electronic message display area by scrolling only.

(2) *Where allowed.* Signs displaying electronic messages are allowed only on lots zoned residential commercial (R-C), commercial (C), light industrial (I-1), or heavy industrial (I-2) that front on US Highway 60, and only along the lot's frontage with US Highway 60.

(h) *Temporary signs.*

(1) Temporary on-site real estate signs. The following temporary on-site signs are allowed:

a. Residential development. One temporary on-site real estate sign advertising the sale or rent of lots or dwelling units within a residential development, provided the sign has a maximum sign area of 32 square feet and a maximum height of ten feet, and is removed when construction is completed.

b. Institutional, commercial, or industrial development.

1. One temporary on-site real estate sign advertising the use(s) to be made of a commercial development under construction and/or the firms responsible for the development, provided the sign has a maximum sign area of 32 square feet and a maximum height of ten feet, and is removed upon occupancy of the development.

2. One temporary on-site real estate sign advertising the sale or rent of land for a commercial or industrial use, provided the sign has a maximum sign area of 32 square feet and a maximum height of ten feet, and is removed after the sale or rental of the land.

(2) *Other temporary signs.* Temporary signs (including banners) advertising special promotions, community events, or new businesses may be permitted in accordance with the sign permit provisions of Article II, Administration, subject to the following standards:

a. The sign shall not solely advertise a business name and/or logo.

b. A maximum of one sign may be displayed at a time, subject to the following exceptions:

   1. One additional sign may be displayed for the sole purpose of advertising the onsite activities of a nonprofit organization.

   2. A maximum of two signs may be displayed for tenants of a nonresidential community or shopping center, along each arterial road frontage. Each tenant that has a separate exterior customer entrance is a separate entity for the purpose of this provision, and may individually display a maximum of one sign at a time.

   3. Businesses and organizations located outside of a nonresidential community or shopping center, on properties fronting on more than one arterial road, may simultaneously display a maximum of two signs, with a maximum of one banner per arterial road frontage.

c. The maximum sign area shall be 50 square feet and the maximum height shall be eight feet.

d. The sign may be displayed a maximum of 30 consecutive days, subject to the following provisions:

   1. Temporary signs advertising special promotions may be displayed an individual maximum of 30 consecutive days per sign and a cumulative maximum of 60 days during a calendar year on the same property.

   2. Temporary signs advertising community events of nonprofit organizations may be displayed an individual maximum of 30 consecutive days per temporary sign, and a cumulative maximum of 120 days during a calendar year on the same property.

   3. Temporary signs advertising community events of nonprofit organizations held on vacant property may be displayed a maximum of ten days prior to the advertised event. Such signs shall be removed within five days of completion of the event.

e. The sign shall be located on the same property as the sponsoring business or organization.

f. The sign shall be freestanding.

g. The sign shall not be attached to trees or shrubs.

h. A temporary sign constituting an attention-getting device may be permitted for a maximum of ten consecutive days subject to the following provisions:

   1. The device display may be permitted up to three times per calendar year on the same property. A permit is required for each display.

   2. The display shall not occupy any required parking space, be placed in the public right-of-way, or obstruct or deter ingress or egress to any business or interfere with sight distance.

3. The display shall not contain flashing lights.

4. Attention-getting device displays used to celebrate a holiday shall not require a permit so long as the holiday display does not contain advertising for the business's products or services.

(i) *Construction and conformance.*

(1) All signs must conform to the Virginia Uniform Statewide Building Code and other county ordinances and regulations.

(2) All signs permitted by this article shall be constructed of durable materials and must be kept in good condition and repair. If a sign is not kept in good condition and repair, the administrator may order that the sign be repaired or removed within a specified time period, and if it is not so repaired or removed, the county may remove the sign or take other action to require prompt compliance with this chapter.

(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2014-27, 10-6-14; Ord. No. O-2015-06, 5-4-15; Ord. No. O-2019-20, 4-24-19)

Secs. 83-489—83-499. Reserved.

ARTICLE IX. NONCONFORMITIES

Sec. 83-500. General applicability.

(a) *Purpose.* In this chapter there exist uses of land, structures, lots of record, signs, and site features (e.g., off-street parking, landscaping, etc.) that were lawfully established in accordance with the zoning ordinance in effect at the time of their establishment, but that do not conform to the standards of this chapter. The purpose of this article is to recognize the interests of landowners in continuing to use such lawfully established nonconforming uses, structures, lots, signs, and site features, but to bring as many nonconformities into conformance with this chapter as is reasonably practicable. The provisions in this article are thus intended to generally allow lawful nonconformities to continue to exist and be maintained, but to reasonably restrict or regulate their expansion, enlargement, relocation, reestablishment, reconstruction, or repair so as to prevent them from becoming more nonconforming, minimize their potential adverse impacts on adjacent lands and development, and encourage them to be brought into conformance with the standards of this chapter.

(b) *Applicability.* This article applies to uses, structures, lots of record, signs, and site features that were made nonconforming by initial adoption of this chapter or a subsequent amendment to this chapter. It also applies to uses, structures, lots of record, signs, and site features that were a lawful nonconformity under a provision of a previously applicable ordinance of the county and that remain nonconforming with one or more provisions of this chapter, even if the type or extent of nonconformity is different. If land or a structure is

vacant or unused before adoption of this chapter, or subsequent amendment thereto, it shall be conclusively presumed that the use of the land or structure is subject to the provisions of this chapter, or the subsequent amendment.

(c) *Authority to continue.* Lawful nonconformities are allowed to continue in accordance with the requirements of this article as a means of preserving safety and appearance.

(d) *Determination of nonconformity status.* In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the alleged lawful nonconformity is located.

(e) *Change of tenancy or ownership.* No change of title or possession or right to possession of land involved shall be construed to prevent the continuance of a lawful nonconformity.

(f) *Increase in nonconformity.* Except as authorized by this article, no person shall engage in activity that increases a nonconformity.

(g) *Minor repairs and maintenance.* Minor repairs and normal maintenance that are required to keep lawful nonconforming uses, structures, lots of record, signs, and site features in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming aspect. For the purposes of this section, "minor repair or normal maintenance" shall mean:

(1) Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or site feature in a safe condition; and

(2) Maintenance of land areas and site aspects to protect against health hazards and promote the safety of surrounding uses.

(Ord. No. O-2014-13, 6-2-14)

Sec. 83-501. Nonconforming uses.

(a) *Extension, expansion, or relocation of nonconforming uses.*

(1) Except in accordance with this section, a nonconforming use shall not be extended, expanded, or moved to occupy a different area of a structure or lot.

(2) A lawful nonconforming use may extend into any portion of the structure in which it is located that was clearly designed or arranged for the particular use when the use became nonconforming.

(b) *Change of use.* A lawful nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

(c) *Discontinuance of use.*

(1) If a nonconforming use is abandoned or discontinued for a period of two years or longer, it shall not be reestablished and shall only be replaced with a conforming use.

(2) Time spent renovating or repairing a structure devoted to the nonconforming use is not considered a discontinuance of the use, provided:

a. All appropriate development approvals are obtained;

b. The renovation or repair is completed within 18 months after commencement of the renovation or repair; and

c. The use is reestablished within one month after completion of the renovation or repair.

(3) Any cessation of a nonconforming use caused by government action and without the contributing fault of the use operator or landowner is not considered in determining the length of discontinuance of the use.

(4) Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within one month.

(d) *Repair, reconstruction, or replacement of damaged structures used for nonconforming uses.* Any repair, reconstruction, or replacement of a damaged or destroyed structure used for a lawful nonconforming use shall be subject to the same provision applicable to the repair, reconstruction, or replacement of a damaged or destroyed nonconforming structure in section 83-502(d), Repair, reconstruction, or replacement after damage or destruction.
(Ord. No. O-2014-13, 6-2-14)

Sec. 83-502. Nonconforming structures.

(a) *Enlargement or alteration.* A nonconforming structure that does not comply with the minimum yard requirements established in this chapter may be expanded within the minimum required yard(s) subject to the following limitations:

(1) The portion of the expansion that is located within required yard(s) is no closer to adjacent roads or lot lines than the existing nonconforming structure;

(2) The proposed expansion is at least 25 feet from the public right-of-way of local roads, at least 40 feet from the public right-of-way of collector and arterial roads, and at least ten feet from all other lot lines, unless narrower minimum required yards are permitted by this chapter; and

(3) The portion of the expansion which encroaches into the minimum required yard(s) does not exceed 30 percent of the total area of the structure or 1,250 square feet, whichever is less. If the proposed expansion exceeds the aforementioned size limitations, a conditional use permit (CUP) must be approved by the board of supervisors prior to issuance of a building permit.

(b) *Relocation.* Except as otherwise provided in section 83-502(c), Replacement of nonconforming manufactured homes, a lawful nonconforming structure shall not be moved, in whole or in part, to another location on or off the lot on which it is located, unless the entire structure thereafter conforms to the requirements of this chapter.

(c) *Replacement of nonconforming manufactured homes.* A lawful nonconforming manufactured home may be removed and replaced with another manufactured home in accordance with the following. The replacement home shall retain the nonconforming status of the replaced home:

(1) *Within a manufactured home park.* Where the nonconforming manufactured home is located within a manufactured home park, it may be replaced only with another comparable manufactured home that meets the current HUD manufacturing housing code, provided a single-section home may only be replaced with another single-section home and a multi-section home may only be replaced with another multi-section home.

(2) *Not within a manufactured home park.* Where the nonconforming manufactured home is not located in a manufactured home park, it may be replaced only with a newer manufactured home, either single- or multi-section, that meets the current HUD manufacturing housing code.

(d) *Repair, reconstruction, or replacement after damage or destruction.* A nonconforming structure damaged or destroyed as a result of a natural disaster or other unforeseen and unpreventable accident or occurrence (e.g., hurricane, tornado, storm, flood, high water, earthquake, fire caused by lightening, wildfire, and accidental fire) may be repaired, reconstructed, or replaced, provided that the repair, reconstruction, or replacement:

(1) Does not increase, expand, enlarge, or extend the extent of the nonconformity;

(2) Complies with the floodplain provisions in of Article VI (General Overlay Districts), where applicable;

(3) Is completed within two years after the damage or destruction, or within four years after the damage or destruction if the structure is in an area under a federal disaster declaration and the damage or destruction is a direct result of the conditions giving rise to the declaration.

(e) *Reuse of an abandoned nonconforming structure.* A nonconforming structure which has lost its lawful nonconforming status because it has been abandoned for more than two years may be permitted for a proposed use subject to the following:

(1) The nonconformity is due to a yard configuration issue or setback requirement.

(2) There is no increase, expansion, enlargement, or extension of the nonconformity.

(3) The proposed use is an allowed use in the zoning district;

(4) The proposed use complies with Powhatan's development standards which shall include, but are not limited to parking, landscaping, signs, and access management.

(5) The building or structure must be maintained in its structural condition, and the building or structure may not be structurally altered in such a way as to increase the square footage of the building.

(f) *Exception for nonconforming structures in floodplains.*

(1) *General.* On approval of a conditional use permit in accordance with Article II, Administration, and the additional findings in subsection (2) below, a lawful nonconforming structure located within the Floodplain Overlay (FP) District may be enlarged, structurally altered, or relocated elsewhere in the Floodplain (FP) District without regard to the limitations in section 83-502(a) and section 83-502(b).

(2) *Additional findings.*

a. The nonconforming structure's resiliency to flood damage is increased through use of at least four of the following measures, where undertaken in accordance with standards and guidelines of the National Flood Insurance Program (NFIP):

1. Elevating the structure so its lowest habitable floor is at least one foot above the base flood elevation;
2. Dry floodproofing exterior walls from ground level up to at least 75 percent of the height to the base flood elevation;
3. Converting enclosed habitable areas of the structure below the base flood elevation to nonhabitable space;
4. Wet floodproofing enclosed areas of the structure below the base flood elevation to allow flood waters to temporarily fill the areas to equalize hydrostatic loads and prevent buoyancy, including the elevation or floodproofing of HVAC equipment and electrical system components;
5. Installing permanent storm shutters on glass windows and doors, or replacement of glass windows and doors with shatterproof glass; or
6. Installing flood openings in foundations and enclosed areas of the structure below the base flood elevation to allow flood waters to pass through to equalize hydrostatic loads and prevent buoyancy.

b. The footprint of the nonconforming part of the structure is not increased by more than 15 percent.

c. The enlargement or alternation of the nonconforming structure complies with floodplain development standards in section 83-420, Floodplain overlay (FP) District of Article VI (General Overlay Districts).

d. The enlargement or alteration of the nonconforming structure is compatible with the character of the surrounding neighborhood.

(Ord. No. O-2014-13, 6-2-14; Ord. No. O-2018-33, 11-26-18; Ord. No. 2022-19, 5-23-22)

Sec. 83-503. Nonconforming lots of record.

(a) *Use and development of nonconforming lots.* A lawful nonconforming lot may be used and developed for a use or development allowed in the zoning district in which the lot is located, provided the use and development complies with all standards applicable in the district and to the particular use and development, and is generally consistent and in harmony with the predominant character of the surrounding area.

(b) *Government acquisition of parts of lots.* If a conforming lot is made nonconforming due to governmental acquisition of a portion of the lot for a public purpose that results in the lot no longer complying with applicable lot area or lot width standards, the lot shall be deemed a conforming lot upon receipt of a site plan or building permit demonstrating that the development existing or proposed on the lot:

(1) Complies with the permitted principal uses set forth for the specific zoning district designated for the lot.

(2) Complies with the dimensional standards of this chapter to the maximum extent practicable;

(3) Complies with the off-street parking and landscaping standards of this chapter to the maximum extent practicable;

(4) Complies with all other standards and requirements of this chapter; and

(5) Is designed and configured in a way that is compatible with surrounding development.

(c) *Change of nonconforming lot.* The boundaries, shape, or size of a lawful nonconforming lot may be modified through a lot line adjustment, provided the lot line adjustment shall not result in an overall increase in the number of nonconforming lots.
(Ord. No. O-2014-13, 6-2-14)

Sec. 83-504. Nonconforming signs.

(a) *Enlargement or alteration.* A lawful nonconforming sign shall not be enlarged or structurally altered in any way that increases the extent of nonconformity.

(b) *Repair, reconstruction, or replacement after damage or destruction.* Any repair, reconstruction, or replacement of a damaged or destroyed nonconforming sign shall be subject to the same provisions applicable to the repair, reconstruction, or replacement of a damaged or destroyed nonconforming structure in section 83-502(d), Repair, reconstruction, or replacement after damage or destruction.

(c) *Removal of abandoned nonconforming signs.*

(1) The county may order the removal of an abandoned sign after making a reasonable attempt to notify the owner of the property on which an abandoned sign is located. A sign shall be considered to be abandoned if it identifies or advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that has not been in operation for a period of at least two years.

(2) If the county has made a reasonable attempt to notify the property owner and the owner refuses to remove the sign, the county, through its agents or employees, may enter the property on which the sign is located and remove the sign. The cost of such removal shall be chargeable to the owner of the property.
(Ord. No. O-2014-13, 6-2-14)

Sec. 83-505. Nonconforming site features.

(a) *Purpose.* The purpose of this section is to cause certain lawful nonconforming site features to be brought into compliance with the standards of this chapter as part of remodeling or expansion of an existing development.

(b) *Nonconforming site features.* For purposes of this chapter, the term "nonconforming site feature" includes the following site features to the extent they fail to fully comply with applicable standards in the referenced sections of Article VIII, Development Standards:

(1) Landscaping (section 83-461, Landscaping and buffers);

(2) Perimeter buffers (section 83-461, Landscaping and buffers);

(3) Screening (section 83-465, Screening);

(4) Exterior lighting (section 83-469, Exterior lighting).

(c) *Required compliance of nonconforming site features.* Any existing commercial, mixed-use, or industrial development that contains any of the lawful nonconforming site features identified in section 83-505(b), Nonconforming site features, shall be required to bring all nonconforming site features from at least one of the categories identified in section 83-505(b) into full compliance with applicable standards if the development proposes to:

(1) Increase the total gross floor area by more than 500 square feet;

(2) Add or change to a more intensive use, as determined by the administrator; or

(3) Significantly change the exterior design of buildings (excluding changes in signage), as determined by the administrator.

(d) *Compliance to maximum extent practicable on constrained sites.* Where full compliance with standards applicable to all of the nonconforming site features identified in section 83-505(b), Nonconforming site features, is precluded by a lack of sufficient developable area due to the size of the site, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints on development, the applicant shall bring the nonconforming site features into compliance with applicable standards to the maximum extent practicable, as determined by the administrator.
(Ord. No. O-2014-13, 6-2-14)

Secs. 83-506—83-509. Reserved.

ARTICLE X. ENFORCEMENT

Sec. 83-510. Purpose.

This article establishes procedures through which the county seeks to ensure compliance with the provisions of this chapter and obtain corrections for ordinance violations. It also sets forth the remedies and penalties that apply to violations of this chapter. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.
(Ord. No. O-2014-13, 6-2-14)

Sec. 83-511. Compliance required.

(a) *General.* Compliance with all the procedures, standards, and other provisions of this chapter is required by all persons owning, developing, managing, using, or occupying land or structures in the county.

(b) *Receipt of development approvals or permits required.* All persons shall obtain all permit and development approvals required by this chapter prior to development.
(Ord. No. O-2014-13, 6-2-14)

Sec. 83-512. Violations.

(a) *Violations generally.*

(1) *Failure to comply with ordinance or term or condition of approval constitutes ordinance violation.* Failure to comply with a standard, requirement, prohibition, or limitation imposed by this chapter, or the terms or conditions of any development approval or permit, conditional use permit, or other authorization granted in accordance with this chapter shall constitute a violation of this chapter punishable as provided in this article.

(2) *Permits or permit approvals only authorize development approved.* Development approvals or permits issued by a decision-making body or county staff authorize only the use, arrangement, location, design, density or intensity, and development set forth in such development approvals or permits.

(b) *Specific violations.* It shall be a violation of this chapter to undertake any activity contrary to the provisions of this chapter, including but not limited to any of the following:

(1) Develop land or a structure without first obtaining all appropriate development approvals or permits, and complying with their terms and conditions.

(2) Occupy or use land or a structure without first obtaining all appropriate development approvals or permits, and complying with their terms and conditions.

(3) Construct improvements upon any lot created in violation of the provisions in the Powhatan County Subdivision Ordinance.

(4) Undertake any land disturbing activity without first obtaining all appropriate development approvals or permits, and complying with their terms and conditions.

(5) Disturb any landscaped area or vegetation required by this chapter.

(6) Install, create, erect, alter, or maintain any sign without first obtaining the appropriate permit, and complying with its terms and conditions.

(7) Fail to remove any sign installed, created, erected, or maintained in violation of this chapter, or for which the permit has expired.

(8) Create, expand, replace, or change any nonconformity except in compliance with this chapter.

(9) Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this chapter.

(10) Increase the intensity or density of development, except in accordance with the standards of this chapter.

(11) Engage in any development or other activity of any nature in any way inconsistent with a development approval or permit, or other form of authorization granted for such activity by the county.

(12) Violate, by act or omission, any term, condition of approval, or qualification placed by a decision-making body on a development approval or permit, or other form of authorization granted by the county to allow development.

(13) Keeping or maintaining a dump heap, as defined herein, on property in any zoning district that prohibits such activity.

(Ord. No. O-2014-13, 6-2-14; Ord. No. O-2014-25, 10-6-14; Ord. No. O-2019-15, 3-25-19)

Sec. 83-513. Responsible persons.

The owner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this chapter may be held responsible for the violation and subject to the remedies and penalties set forth in this article.

(Ord. No. O-2014-13, 6-2-14)

Sec. 83-514. Enforcement generally.

(a) *Responsibility for enforcement.* The administrator shall be responsible for enforcing the provisions of this chapter in accordance with the Code of Virginia.

(b) *Complaints regarding violations.* Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a complaint. The complaint, stating fully the cause and basis therefore shall be filed with the administrator, who shall properly record such complaint, investigate, and take appropriate action as provided by this chapter.

(c) *Enforcement procedure.*

(1) *Investigation of potential violations.*

a. Upon receiving a written complaint or otherwise learning there is a potential violation of this chapter; the administrator shall investigate and determine whether a violation of this chapter exists.

b. When the administrator has reasonable cause to believe a person has engaged in or is engaging in any violation of this chapter that limits occupancy in a residential dwelling unit, and has been unable, after a good faith effort, to obtain information needed to determine whether a violation has occurred, the administrator may seek a subpoena to obtain such information in accordance with Code of Virginia § 15.2-2286.

c. Following an unsuccessful good faith effort to obtain consent to investigate an alleged violation of this chapter, the administrator may present sworn testimony to a magistrate or court of competent jurisdiction and request an inspection warrant to enable the administrator to enter the premises for the purpose of determining whether a violation exists.

(2) *Notice of zoning violations.*

a. Procedure.

1. Upon finding that a violation of the zoning provisions of this chapter exists, the administrator shall take appropriate action to ensure compliance with this chapter. Such action may include written notification of the violation through a notice of violation, by personal service or certified mail, return receipt requested, to the owner of the property on which the violation exists and/or the person causing or maintaining the violation. Such notification shall:

i. Describe the location and nature of the violation;

ii. State the actions necessary to abate the violation;

iii. Order that the violation be corrected within a specified reasonable time period not to exceed 30 days after receipt of the notice of violation.

2. The notice of violation shall advise the alleged violator(s) of their right to appeal the notice of violation to the BZA in accordance with section 83-123(q), Appeal (zoning), within 30 days of receipt of the notice of violation, and that the decision not to appeal shall be final and unappealable if not appealed within 30 days.

3. A notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in a residential zoning district, or similar

short-term, recurring violations shall have an appeal of ten days, and the decision not to appeal shall be final and unappealable if not appealed within ten days.

4. Upon receiving a written request for extension of the time limit for correction specified in the notice of violation, the zoning administrator may, for good cause shown, grant an extension of the time for up to 30 days.

5. If the owner of the property cannot be located or determined, the administrator shall post a copy of the notice of violation on the building, structure, sign, or site that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the notice is posted.

b. Application of remedies and penalties. Upon determining that the violator has failed to correct the violation by the time limit set forth in the notice of violation, or any granted extension, or has failed to timely appeal the notice of violation in accordance with section 83-123(q), Appeal (zoning), the administrator shall, after consultation with the county attorney, take appropriate action, as provided in section 83-515, Remedies and penalties, to correct and abate the violation and to ensure compliance with this chapter.

c. Emergency enforcement without notice. Upon determining that delay in correcting the violation would pose a danger to the public health, safety, or welfare, the administrator may seek immediate enforcement without prior written notice by invoking any of the remedies authorized in section 83-515, Remedies and penalties.

(Ord. No. O-2014-13, 6-2-14; Ord. No. O-2014-25, 10-6-14)

Sec. 83-515. Remedies and penalties.

Any violation of this article may be corrected, restrained, or abated by any of the following proceedings and remedies in accordance with the Code of Virginia.

(1) *Remedies.*

a. *Stop work order issuance.* The county may issue a stop work order on any building or structure on any land on which there is or has been an uncorrected violation of this chapter or of a development approval or permit or other form of authorization issued hereunder in accordance with its powers to stop work under the Virginia Uniform Statewide Building Code.

b. *Civil penalties.* Any person, whether the owner, lessee, principal, agent, employee or otherwise, who violates any provision of this chapter, or permits either by granting permission to another to engage in the violating act or by not prohibiting or correcting the violating act after being informed by the zoning administrator that the act violates this chapter shall be subject to a civil penalty as defined in Code of Virginia, § 15.2-2209 and based upon the following uniform schedule:

1. Procedure. Proceedings seeking civil penalties for all violations of this chapter shall commence either by filing a civil summons in the general

district court or by the zoning administrator or his deputy issuing a ticket. The schedule of offenses shall not include any zoning violation resulting in injury to any persons.

2. Minimum elements of a civil summons or ticket. A civil summons or ticket shall contain, at a minimum, the following information: (i) the name and address of the person charged; (ii) the nature of the violation and the section of this chapter allegedly violated; (iii) the location and date that the violation occurred or was observed; (iv) the amount of the civil penalty being imposed for the violation; (v) the manner, location and time in which the civil penalty may be paid to the county; (vi) the right of the recipient of the summons to elect to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of a court; and either the date scheduled for trial, or the date for scheduling of such trial by the court.

3. Amount of civil penalty. Any violation of this chapter shall be subject to a civil penalty of $200.00 for the initial summons or ticket, and a civil penalty of $500.00 for each additional summons or ticket arising from the same set of operative facts.

4. Maximum aggregate civil penalty. The total civil penalties from a series of violations arising from the same set of operative facts shall not exceed $5,000.00. After the civil penalties reach the $5,000.00 limit, the violation may be prosecuted as a criminal misdemeanor under section 83-515(1)d.

5. Each day a separate offense. Each day during which a violation is found to exist shall be a separate offense. However, the same scheduled violation arising from the same operative set of facts may be charged not more than once in a ten-day period.

6. Option to prepay civil penalty and waive trial. Any person summoned or ticketed for a violation of this chapter may elect to pay the civil penalty by making an appearance in person or in writing by mail to the department of finance prior to the date fixed for trial in court. A person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. A signature to an admission of liability shall have the same force and effect as a judgment of court. However, such an admission shall not be deemed a criminal conviction for any purpose. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

7. Civil penalties are in lieu of criminal penalties. A violation enforced under section 83-515(1)b. shall be in lieu of any criminal penalty except as provided in section 83-515(1)b.4., and where the zoning violation results in

injury to any persons. Such a designation shall preclude the prosecution of the particular violation as a criminal misdemeanor, but shall not preclude any other remedy available under this chapter.

c. *Correct and abate.* Any violation or attempted violation of this chapter may be restrained, corrected, or abated by injunction or other appropriate proceeding in accordance with the Code of Virginia.

d. *Criminal penalties.* Any person, whether the owner, lessee, principal, agent, employee or otherwise, who violates any provision of this chapter that results in injury to any person, or to whom the $5,000.00 maximum aggregate civil penalty provided in section 83-515(1)b.4. has been reached and who continues to violate any provision of this chapter, or permits either by granting permission to another to engage in the violating act or by not prohibiting or correcting the violating act after being informed by the zoning administrator that the act continues to violate this chapter as provided in section 83-514, shall be subject to the following:

1. The person shall have committed a misdemeanor offense punishable by a fine of not less than $10.00 nor more than $1,000.00.

2. If the violation is uncorrected at the time of conviction, the court shall order the person convicted to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than $10.00 nor more than $1,000.00, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period, punishable by a fine of not less than $100.00 nor more than $1,500.00.

3. Notwithstanding sections 83-515(1)d.1. and 2., any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwelling units shall be punishable by a fine of up to $2,000.00. Failure to abate the violation within the specified time period shall be punishable by a fine of up to five thousand dollars ($5,000.00), and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten (10) day period punishable by a fine of up to seven thousand five hundred dollars ($7,500.00).

However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of the dwelling unit against a tenant to eliminate an overcrowding condition in accordance with chapters 13 or 13.2 of title 55 of the Virginia Code, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwelling units shall not be punishable by a jail term. In accordance with Code of Virginia, § 15.2-2286(A)(5), the court may impose

penalties upon the conviction of any violator. A violation shall be a misdemeanor punishable by a fine that does not exceed the maximum allowed by law. If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation to comply with the violation, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine that does not exceed the maximum allowed by law.

e. *Memorandum of lis pendens.* At any time after the filing of an injunction or other appropriate proceeding to restrain, correct, or abate an alleged violation of a zoning provision of this chapter where the owner of the real property is a party to such proceeding, the administrator may record a memorandum of lis pendens in accordance with the Code of Virginia.

f. *Other penalties authorized by Code of Virginia.* The county shall have such other remedies as are and as may from time to time be provided for or allowed by the Code of Virginia, for the violation of zoning, and other provisions of the Code of the County of Powhatan, Virginia.

(2) *Cumulative remedies and penalties.* To the extent allowed by law, all such remedies provided herein shall be cumulative.

(Ord. No. O-2014-13, 6-2-14; Ord. No. O-2014-25, 10-6-14)

Secs. 83-516—83-519. Reserved.

ARTICLE XI. DEFINITIONS

Sec. 83-520. General rules of construction.

The following rules shall apply for construing or interpreting the terms and provisions of this chapter:

(1) *Meaning and intent.* When a specific section of these regulations gives a different meaning than the general definition provided in this Article XII: Definitions, the specific section's meaning and application of the term shall control.

(2) *Headings, illustrations, and text.* In the event of a conflict or inconsistency between the text of this chapter and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(3) *Lists and examples.* Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(4) *Computation of time.*

a. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the county, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the county. References to days are calendar days, unless otherwise stated.

b. Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document via mailed delivery, three days shall be added to the prescribed period.

(5) *Mandatory and discretionary terms.* The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

(6) *Tenses and plurals.* Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(7) *Entity.* The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.

(8) *Term not defined.*

a. If a term used in any article of this chapter is not defined, the administrator is authorized to provide a definition through the interpretation procedure (see interpretation (zoning) under Article II: Administration) based upon the definitions used in accepted sources, including but not limited to A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-521. Definitions.

Abandonment, for the purposes of Article X, abandonment shall mean the stopping or halting of use or occupancy of a nonconformity for a period of two years or more.

Abattoir means a building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

Abutting means the condition of two adjoining parcels of land having a common property line or boundary including cases where two or more parcels of land adjoin a corner, but not including cases where adjoining parcels of land are separated by a street or alley.

Accessory apartment means a secondary dwelling unit established in conjunction with, and clearly subordinate to, the principal dwelling unit on a lot, contained within or attached as part of the same structure as the principal dwelling unit on the same lot. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Accessory dwelling unit (detached) means a secondary dwelling unit established in conjunction with, and clearly subordinate to, the principal dwelling unit on a lot, as a detached structure on the same lot. (See Accessory/Use-Specific Standards, division 2: Standards for Accessory Uses and Structures, of article VII: Use Standards.)

Accessory structure means a structure that is detached from the principal structure on the same lot and serves a purpose clearly incidental to a principal use of the lot. Garages, carports and storage sheds are examples of common accessory structures on residential lots. In addition, pole barns, hay sheds and the like qualify as accessory structures on farms. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Accessory use means a use that is incidental to and customarily associated with a principal use on the same lot. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Accessway, vehicular means a path, route, etc., that provides vehicular access to a specific destination or property.

Adjacent means a parcel of land that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right-of-way divides the parcels.

Administrative appeal (subdivision). See Powhatan County Code chapter 68 (Subdivisions).

Administrative appeal (zoning). See Article II: Administration.

Administrator means the Powhatan County, Virginia Zoning Administrator. See Article II: Administration.

Adult book or video store means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating "specified

sexual activities" or "special anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Adult day care center means any facility that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the state board of health or the department of behavioral health and developmental services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

Adult motion picture theater means an enclosed building or outdoor facility used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Agricultural support (direct) means uses that provide support and services to animal and crop production and dairying, or other related agricultural use, which are limited to and that operate on the site of on-going agricultural uses. These uses include: agricultural processing, agri-education, animal care businesses, customer operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site (e.g., pick your own), farm co-ops, farm-based tourism events, farm machinery repair, pet farms, products combining recreation and consumption of agricultural products, portable sawmills, stables, wetlands mitigation banks, and similar uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Agricultural support (indirect) means uses that provide support and services to animal and crop production and dairying, or other related agricultural use, either on the site of the agricultural use or off-site. These uses include: agricultural research facility, animal care businesses, central farm distribution hub for agricultural products, farm machinery repair, farm machinery sales, rental, and service, mill feed and farm supply centers, and other similar uses. (See Principal/Use-Specific Standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Airport means any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft and the provision of services to aircraft passengers and users. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Airstrip means a runway without normal air base or airport facilities. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; and see accessory use/structure, Division 2: Standards for Accessory Uses and Structures, of Article VII.)

Aisle way, parking means a passage for vehicular traffic within a parking area, through a parking bay.

Alley means a narrow street or thoroughfare giving access to the rear of lots or buildings.

Amateur radio antenna means an antenna, or any combination of a mast plus an attached or mounted antenna, that transmits noncommercial communications signals and is used by an amateur radio operator licensed by the Federal Communications Commission. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Amphitheater See: *Arena, stadium, or amphitheater*.

Amusement park means a facility, primarily outdoors and open to the public for a fee, that includes structures and buildings for providing entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Animal confinement facility means a facility and its supporting lot area used for the purpose of keeping or raising livestock, dairy cattle, or poultry under cover or in a confined lot where:

(1) The facility or lot area includes the equivalent of at least 300 animal units (see below);

(2) Animals are stabled or confined for more than 12 hours per day and fed or maintained a total of 45 days or more in a 12-month period; and

(3) No more than 25 percent of the area of the facility and lot includes crops, vegetation, forage, growth or post-harvest residues.

Type of Facility	*Equivalent of 300 Animal Units*
Livestock (swine)	2,000 finishing hogs over 55 lbs.
Livestock	150 horses
Livestock	1,200 sheep or lambs
Dairy	200 mature milking dairy cattle
Poultry	15,000 turkeys
Poultry	30,000 laying hens
Poultry	75,000 broilers
Livestock	300 slaughter and feeder cattle
Livestock (swine)	750 swine breeding stock

Examples of animal confinement facilities include, but are not limited to, dairies, poultry houses, swine or veal operations, or feed lots.

(See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; and see Article III: Rural Districts.)

Animal grooming means any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged.

Animal production (other than an animal confinement facility) means a facility and its supporting lot area used for propagation, rearing, exercising, feeding, or general raising of livestock or other living animals for animal husbandry purposes, and not including animal confinement facilities or dairies. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Animal shelter mean a facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Antique store means any premises used for the sale or trading of articles of which 80 percent or more are over 50 years old or have collectible value. Antique shop does not include secondhand or thrift stores.

Applicant means a person who submits a development application requesting approval of a permit or development approval under this chapter.

Application or development application means the completed form or forms and all accompanying documents, exhibits, and fees required by this chapter to be submitted for review when a person requests approval of a permit or development approval.

Arena, stadium, or amphitheater means a building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings, which is partially or entirely surrounded by tiers of seats for spectators. Such uses may or may not include lighting facilities for illuminating the field or stage area, ticket booths, concessions, restrooms, parking facilities, and maintenance areas. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Art gallery is an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Art, crafts, music, dance, photography, or martial arts studio/school means an establishment with space used for the production of—or instruction in—art, crafts, music, dance, photography, or the martial arts.

Artisan food and beverage production means an establishment primarily engaged in the small-scale production of specialty food and non-alcoholic beverage products for wholesale distribution and on-site retail sales. Unlike specialty eating or drinking establishment, there is no on-site food consumption.

Asphalt or concrete plant means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Assessed value means the monetary price that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the tax assessor's office for the purposes of taxation.

Assisted living facility means a public or private congregate residential facility that provides personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

The following are not deemed assisted living facilities:

(1) A facility or portion of a facility licensed by the state board of health or the department of behavioral health and developmental services, but including any portion of such facility not so licensed;

(2) The home or residence of an individual who cares for or maintains only persons related to him by blood or marriage;

(3) A facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to Code of Virginia § 22.1-214, when such facility is licensed by the department as a children's residential facility under Code of Virginia § 63.2-1700 et seq., but including any portion of the facility not so licensed;

(4) Any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority; and

(5) A residential facility for eight or fewer individuals who are treated as a single-family in accordance with Code of Virginia § 15.2-2291.

Attached means, when used in reference to two or more structures, having one or more common walls or being joined by a covered porch or passageway. Two structures may also be considered attached if separated by less than three feet.

Attention-getting device means any pennant, balloon, inflatable device, flag, propeller, spinner, streamer, or similar device or ornamentation used for promotions, advertising, or attracting attention. This does not include banner signs.

Auction facility means a structure or structures in combination used for the conduct of personal property auctions on a temporary basis by an auctioneer licensed by the Commonwealth. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; and see temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures of Article VII.)

Auditorium or *stage* means a building or structure designed or intended for use for presentation of dramatic, musical, or live performances, other entertainment and cultural events, and/or other public gatherings, all occurring inside an enclosed structure typically limited to a capacity of 500 or fewer seats. This use does not include motion picture theaters.

Authorized agent means a person with express written consent to act upon another's behalf.

Automatic teller machine (ATM) means a mechanized device operated by a bank or financial institution that allows pedestrian customers or customers in motor vehicles to perform banking or financial transactions at locations remote from the controlling bank of financial institution. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the use is considered a bank of financial institution with drive through service. At other locations, an ATM may be considered an accessory use to the principal use(s) of the location.

Automotive painting or body shop means a facility providing collision repair and painting services for automobiles, pickup and other light trucks, or trailers, including bodywork, framework, welding, and major painting and undercoating work. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Automotive repair and servicing means an establishment primarily engaged in providing repair and maintenance services for automotive vehicles such as passenger cars, sports utility vehicles, pickup and other light trucks, small vans, and motorcycles. This use includes oil change and lubrication shops (which primarily engage in checking and changing motor oil and lubricating the chassis), automotive glass shops (which primarily engage in replacing, repairing, or tinting vehicle windows), and general automotive repair garages or shops (which provide a wide range of mechanical and electrical repair and maintenance services, including diagnosing, rebuilding, or reconditioning engines and other mechanical and

electrical systems). This use does not include automotive painting or body shops or heavy vehicle/equipment repair and servicing (which typically have greater impacts on adjacent properties). It also does not include gas stations (which primarily engage in the sale of fuel) or auto parts stores that do not involve major installation and servicing of automobiles. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Automotive wrecker service means an establishment providing towing and temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period no longer than 90 days. If an establishment has ten or more inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Awning means a roof like cover extending over, or in front of, a place as a shelter.

Bank or financial institution with drive-through service means an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money, but shall not include bail bond brokers or check-cashing facilities. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. These uses include drive-through facilities. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Bank or financial institution without drive-through service means an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money, but shall not include bail bond brokers or check-cashing facilities. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. These uses do not include drive-through facilities.

Bar or *lounge* means an establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. This use does not include nightclubs or restaurants that serve and sell alcohol or have a bar as an accessory use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Base flood elevation means the Federal Emergency Management Agency designated 100-year flood water surface elevation.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Bed and breakfast inn means private residence engaged in renting one or more dwellings or rooms on a daily or weekly basis. A bed and breakfast inn must be the primary residence of the operator as shown on a government issued identification card. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Block means a surface land area separated and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers. (See: Powhatan County Code, chapter 68 (Subdivisions)).

Boarding house. See *Rooming or boarding house.*

Bottling/packaging plant means a facility for assembling, mixing, bottling, canning, packing, wrapping, and boxing of commercial products assembled or manufactured off-site.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Brewery means an establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of greater than 315,000 gallons per year. A brewery may include a restaurant or public tasting room as an accessory use.

Brewpub means an establishment that is primarily a restaurant where ale or beer is brewed on the premises as an accessory use. A Brewpub may include off-site distribution of its ale or beer consistent with state law. This use does not include a microbrewery, where the primary use is brewing rather than a restaurant (though a micro-brewery may include a restaurant or public tasting room as an accessory use). (See: Principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Buffer means a strip of land with existing vegetation retained and supplemented as required with trees/shrubs and maintained to provide transition and separation, to reduce noise and glare and to partially obstruct the view between adjacent land uses or properties. Buffers shall be maintained as undeveloped space and shall not be cleared, graded or excavated. (See Article VIII: Development Standards.)

Building means a combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property.

Building code means the Virginia Uniform Statewide Building Code adopted by the state legislature and any amendments thereto.

Building permit means an approval statement signed by the building official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building because the proposed development complies with this chapter and the building code.

Business service establishment means an establishment primarily engaged in providing a range of office support services, such as document copying services, facsimile services, word processing services, on-site personal computer rental, office product sales, and mailing services.

Business sign means a sign that directs attention to a product, commodity, or service available on the premises, including professional offices or institutional use.

Caliper means diameter of the tree trunk measured 4.5 feet above ground level.

Campground / recreational vehicle park means a lot or group of lots under common ownership designed and used to accommodate short-term, overnight guests using recreational vehicles, tents, or some other form of temporary lodging and not for permanent residential use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Canopy, nonresidential drive-through means a structure that is not enclosed and is made of rigid or flexible materials, that provides overhead protection from rain or sun for drive-through service activity, including nonresidential establishments with drive-through service and gas pump islands at gas stations. The canopy may be attached or adjacent to a nonresidential building. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Car wash or auto detailing means an establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Drying may be conducted automatically, manually by the vehicle operator or by on-site attendants. Interior cleaning may be conducted manually by the vehicle operator or by on-site attendants. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Casualty damage means damage to a use, land, or structure from an event that is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, flood, theft, or similar event.

Cemetery means a cemetery or mausoleum is a use intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory. This use also includes pet cemeteries. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Certificate of occupancy means a certificate granted by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. A building may not be occupied without the issuance of a certificate of occupancy.

Change of use means the change in the use of a structure or land. Change of use shall include a change from one use type to another use type.

Check cashing establishment means any person or establishment engaged in the business of cashing checks, drafts, or money orders for compensation, and registered with the state corporation commission pursuant to Code of Virginia § 6.1-433.

Child day care center means an establishment providing a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) six or more children at any location. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Civic center means a facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premises consumption. Similar structures with a capacity of less than 500 people constitute conference centers or training centers. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Club or *lodge* consists of a building or facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership.

Clubhouse means a building or room used for social or recreational activities by members of a club (e.g., golf course clubhouse) or occupants of a residential or other development. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Code or *code of ordinances* means the Code of the County of Powhatan County, Virginia.

College or *university* means a public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Trade or vocational schools are a different use type.

Commercial industrial services means an establishment engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Such uses may include tool repair shops, machine shops, or repairing of scientific or professional instruments. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, and storage.

Commercial landscape operation means the provision of tree, lawn, and landscaping services including planting, pruning, mulching, and tree/lawn/grounds maintenance using landscaping materials grown on the property and landscape materials produced off-site such

as top soil and mulch. Such uses may include greenhouses, office buildings, and equipment necessary for the operation of such services. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Commercial planned development means a specific parcel of land or several contiguous parcels of land, which have been master planned, in accordance with the requirements of this chapter, proposing permitted commercial and/or retail land uses, density patterns, a fixed system of streets, provisions for public utilities, drainage and other essential services and similar features necessary or incidental to development.

Commercial slaughterhouse. See *Abattoir.*

Community center means a building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency. This includes community centers focused on serving senior citizens and youth.

Community development staff means the professional-level staff of Powhatan County, Virginia to whom the director of community development department delegates responsibilities to administer provisions in this chapter.

Community garden means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, or family. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Comprehensive plan shall mean the long-range comprehensive plan of Powhatan County, Virginia, including those maps, plats, charts, and descriptive matter that have been formally adopted by the Board of Supervisors, pursuant to the provisions of the Code of Virginia.

Concrete plant. See *Asphalt or concrete plant.*

Conditional use permit. See Article II: Administration.

Conditional zoning. See Article II: Administration.

Condominium means a multiple-unit residential or nonresidential development where individual units are owned individually, but all other elements of the development are owned jointly by unit owners.

Conference or training center means a facility designed to accommodate fewer than 500 persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premises consumption. Similar facilities located in a rural setting constitute *rural event venues* (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Conservation easement means the recorded grant of property rights establishing limitations that run with the land for a minimum of 40 years duration that prohibit subdivision of

non-farm development on the tract other than one single-family dwelling. Such easements shall be held by any entity authorized to hold easements by state law. (Title 10.1 Virginia Conservation Easement Act, Code of Virginia.)

Construction means the erection of any building or structure or any preparations (including land disturbing activities) for the same.

Construction plans. See Powhatan County Code, chapter 68 (Subdivisions).

Contiguous means abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

Continuing care retirement community means an integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Contractor's offices means a building or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. If outdoor storage of materials, supplies, or equipment is associated with the office, the use is considered a contractor's storage yard.

Contractor's storage yard means an outdoor storage area operated by, or on behalf of, a contractor for the storage of construction equipment, vehicles, or other materials commonly used in the individual contractor's type of business and/or the storage of scrap materials used for the repair and maintenance of contractor's own equipment.

Convenience center, county means a facility that accepts solid wastes generated by and transported from individual uses for temporary storage pending transport to a processing or disposal facility. It does not accept solid wastes from collection vehicles that have collected solid wastes from more than one real property owner; such wastes go directly to a disposal facility.

Convenience store means a retail establishment that offers for sale the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, general hardware articles, gasoline, and related petroleum products. Fast food may be offered, but only as a secondary activity of a convenience store. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Correctional facility means a publicly or privately operated facility for the confinement of persons in lawful detention, especially persons awaiting trial or convicted of a crime, and located within or surrounded by existing state correctional facilities. Such uses may include

cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, medical facilities, agricultural facilities, and facilities for the production of goods or materials produced for sale.

Country club means a chartered, nonprofit membership club catering primarily to its membership. Country clubs may provide one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, special event facility, or pro shop.

Country inn means a business operated in one or more structures which offers overnight accommodations of up to 20 rooms and may contain a full-service restaurant providing meals to guests and the general public with seating for no more than 50 guests, meeting rooms, and banquet/event facilities; and may include related accessory uses such as an antique or gift shop, sale of baked, packaged or canned food products prepared on the premises, and recreational uses for the sole use of guests at the inn. The owner may or may not live on the premises. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this chapter.

Crop production means agricultural and horticultural uses, including, but not limited to the commercial production of grains, field crops, vegetables, fruits, flower fields and seed production, ornamental crops, tree and sod farms.

Cupola means a small structure built on top of a roof.

Dairy means a commercial establishment for the manufacture, processing, or sale of dairy products, and not including animal confinement facilities. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Data center means an establishment primarily engaged in providing infrastructure (e.g., computer systems and associated components such as telecommunications and storage systems) for data processing and storage, web hosting, application hosting, streaming services, and related services. This use includes a server farm, telecom hotel, carrier hotel, telco hotel, telehouse colocation center, or any other term applicable to facilities which are used for these specified purposes.

Density means the ratio of the total number of residential dwelling units on a lot to total lot area (or in the case of mixed-use development, to lot area allocated to residential use).

Detached means a building that does not have a wall in common or in contact with another building and is separated from other structures by at least three feet.

Developer means any person, including a governmental agency, undertaking development.

Development means the initiation or change of any use and any man-made change to improved or unimproved real estate. "Development" shall include, but not be limited to, the following:

(1) Change in the type of use of a building, structure, or land;

(2) Disturbance of land through the removal of trees or ground cover;

(3) Division of land into two or more parcels;

(4) Dredging, filling, and grading;

(5) Construction or enlargement of a building or other structures;

(6) Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;

(7) Demolition of a structure;

(8) Commencement or expansion of agricultural, horticultural, or forestry activities on a parcel of land;

(9) Commencement or expansion of resource extraction activities such as mining, excavation, or drilling operations;

(10) Deposition of refuse or solid or liquid waste on a parcel of land;

(11) Storage of equipment or materials;

(12) Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and

(13) Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Director means the Powhatan County, Virginia Director of Community Development. See Article II: Administration.

Distillery means an establishment primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity greater than 5,000 gallons of finished product per year. A distillery may include a restaurant or public tasting room as an accessory use.

Driveway. See Powhatan County Code, chapter 68 (Subdivisions): Driveways; Driveway Layout and Design.

Drugstore or pharmacy with drive-through service means a freestanding establishment including one or more drive-through lanes for customer service that is engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dump heap shall mean any lot on which trash, debris, garbage or other waste, tires, junk or scrap material is dumped or deposited, and which has not been approved as either a debris landfill or a sanitary landfill. This use does not include agricultural equipment, debris, or scrap material kept on any parcel enrolled in the Land Use Deferral Program (described in

Chapter 70, Article II, Division 3 of the Code of the County of Powhatan), or where the property owner demonstrates there is a bona fide agricultural operation devoted to animal production, crop production, or a similar agricultural use defined in this section.

Dwelling unit means one or more rooms connected together and constituting a single housekeeping unit, with independent cooking and sleeping facilities, designed or used for occupancy by a single-family, and separate from any other dwelling units or rooms in the same building.

Dwelling, duplex means a residential building containing two dwelling units. Such units may be part of a single structure, or may be attached by one or more common walls. Unlike *dwelling, townhouse,* each dwelling unit is located on the same parcel and are not located on individual lots (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dwelling, live/work means a structure or portion of a structure combining a residential living space for one or more persons with an integrated nonresidential work space principally used by one or more of the residents. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dwelling, manufactured home means a residential building constructed in accordance with the U.S. HUD's Manufactured Housing Construction and Safety Standards that:

(1) Is transportable in one or more sections that are at least eight feet wide and 40 feet long in the traveling mode or contain at least 320 square feet of gross floor area when erected onsite (unless otherwise certified by under the Manufactured Housing Construction and Safety Standards Act);

(2) Is built on a permanent chassis and designed to be used as a single dwelling unit with or without a permanent foundation when connected to the required utilities; and

(3) Includes the plumbing, heating, air-conditioning, and electrical systems contained in the building.

(See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dwelling, multifamily means a residential building containing three or more dwelling units, with the units often stacked one above the other in a vertical configuration and sharing common vertical walls and/or horizontal floors and ceilings. Individual dwelling units may be rented or individually owned (i.e., a condominium unit). Multifamily dwellings differ from townhouse dwellings in that individual dwelling units are not located on individual lots.

Dwelling, single-family detached means a detached residential building other than a manufactured home containing a single dwelling unit. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dwelling, three- or four-family means a residential building containing three or four individual dwelling units. The units may be located side by side in a horizontal configuration and/or stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors/ceilings. A three-family dwelling may be referred to as a triplex, and a four-family dwelling as a quadplex. Unlike *dwelling, townhouse,* each dwelling unit is located on the same parcel and not located on individual lots. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dwelling, townhouse means a residential building containing two or more dwelling units, each with its own outside entrance and individual lot, and that are joined together by a common or party wall that is without openings for human passage.

Easement means a grant by a landowner to another landowner or to the public, of a right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

Eave means the lower border of a roof that overhangs the wall.

Educational, scientific, or industrial research and development means a facility that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

Electric vehicle (EV) means a vehicle that operates, either partially or exclusively, on electric energy stored in the vehicle's batteries. "Electric vehicle" includes a vehicle operating exclusively on electrical energy from its batteries (battery electric vehicle, or BEV), or a vehicle that is powered by both an internal combustion engine and an electric motor operating on electrical energy from on-board batteries charged primarily through connections to the electric grid or other off-board electrical source (plug-in hybrid electric vehicle, or PHEV).

Electric vehicle (EV) level 1 or 2 charging station means an electric vehicle (EV) level 1 or 2 charging station is a vehicle parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle. A level 1 charging station is a slow charging station that typically operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit. A level 2 charging

station is a medium charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt alternating current (AC) circuit. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Electric vehicle (EV) level 3 charging station means an electric vehicle (EV) level 3 charging station is a vehicle parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle. A level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast or rapid charging. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Electronic message sign. See Article VIII: Development Standards.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment means for purposes of floodplain management, the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Estate sale/auction means a public sale or auction to dispose of the majority of the materials owned by a person who is deceased or will be moving. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Expansion means an increase in the floor area of an existing structure or building, or the increase of area of a use.

Fabrication. See *Manufacturing, assembly, or fabrication, light.*

Facade means the front of a building, including the entire building wall, fascia, windows, doors, and canopy.

Fairground means an area of land use including, but not limited to: agricultural-related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Amphitheaters, arenas, stadiums, auditoriums, amusement parks or stages may be an accessory use to a fairground. Fairgrounds do not include racetracks or motorsports parks.

Family means one or more persons occupying a single dwelling unit and living together as a single housekeeping unit, provided that the unit is made up of:

(1) Any number of persons who are all related by blood, marriage, adoption, or foster care arrangement; or

(2) No more than five persons not related by blood, marriage, adoption or guardianship living together; and

(3) Domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Family day care home means the use of a dwelling unit where a resident provides care for one through five children under the age of 13, exclusive of the resident provider's own children and any children residing in the home as part of the resident family, when at least one child receives care for compensation. In accordance with Code of Virginia §§ 15.2-2292 and 63.2-100, this use is treated as an accessory use to the residential use of a dwelling unit.

Farm winery means an establishment with facilities for fermenting and bottling wine where the owner or lessee of the facility manufactures wine that contains not more than 18 percent alcohol by volume and that is either:

(1) Located on a farm with a producing vineyard, orchard, or similar growing area; or

(2) Located in the state with a producing vineyard, orchard, or similar growing area or that has agreements to purchase grapes or fruits from agricultural growers within the state.

As used in this definition, the term "owner" or "lessee" shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the state. A minimum of 51 percent of the fresh fruits or agricultural products used at the farm winery for the production of wine shall be grown or produced on the farm or at the winery and no more than 25 percent of the fruits, fruit juices, or other agricultural products shall be grown outside the state.

Accessory uses at a farm winery can include: wine tasting, rooms at which wine tasting occurs, accessory food sales related to wine tasting, and retail areas where wines produced on-site are sold.

Farm winery, special impact means a farm winery that involves the regular use of outdoor amplified music or other customary farm winery activities or events that have a substantial impact on the health, safety, or welfare of the public. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards (agriculture related uses, general standards; and farm winery, special impact).)

Farm worker housing means living accommodations for farm workers or for families in which the head of household is a farm worker.

Farmers' market means a public market held in a structure or open area where farmers primarily sell produce and other farm products they have grown, gathered, or raised directly to consumers. A farmers' market as a principal use occurs regularly for all or most of the year, whereas a farmers' market as a temporary use occurs occasionally or periodically for only a limited time period during the year. (See principal/use-specific standards, Division 1: Stan-

dards for Specific Principal Uses and Structures, of Article VII: Use Standards; and See Temporary/Use-Specific Standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Fenestration means the arrangement, proportions, and design of windows and doors along the facade of a building.

Fire or EMS station means a facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

Fire training facility means a facility for intensive training of fire protection personnel in firefighting, rescue, fire investigation, and other skills associated with the provision of fire protection. Such facilities may include fire training towers and other fire simulating facilities and equipment.

Flea market means a market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. The use does not include a farmers' market, where food items predominate, or a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Flood or *flooding:*

(1) A general or temporary condition of partial or complete inundation of land areas from:

   a. The overflow of inland or tidal waters; or

   b. The unusual and rapid accumulation or runoff of surface waters from any source.

(2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

Floodplain or *flood-prone area* means any land area susceptible to being inundated by water from any source.

Floodplain permit. See Article II: Administration.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area (gross floor area) means the sum of the gross horizontal areas of each covered floor of a building, measured from the outside faces of exterior walls or from the centerline of party walls separating two buildings—but not including areas devoted to vehicle parking or loading; uninhabitable basements, attics, and service or mechanical equipment rooms; and areas open to the sky or unenclosed on two or more sides (e.g., balconies, open porches and breezeways, patios, and courtyards).

Floor area ratio (FAR) means the ratio of gross floor area of all buildings on a lot to total lot area.

Foot candle means a quantitative unit of measure referring to the measurement of illumination incident to a single point. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

Forestry and logging means a use of land whereby forests are tended, harvested, and reforested either by natural or artificial reforestation, or both and where timber is cut and sorted on-site for commercial purposes.

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

Fuel oil or bottled gas distribution or storage means an establishment that distributes fuel oil or bottled gases, such as propane or liquid petroleum, for compensation or that may store in bulk fuel oil or kerosene for heating purposes in aboveground containers.

Fuel oil or bottled gas distribution or storage, limited means the distribution of fuel oil or bottled gases, such as propane or liquid petroleum, in cans no greater than five gallons in volume, for compensation. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Full cut off angle means the angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

Full cut off luminaire means a full cut off luminaire has zero candela intensity at an angle of 90 degrees above the vertical axis (nadir or straight down) and at all angles greater than 90 degrees from straight down.

Fully shielded means fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in a way that allows no direct or internally reflected light to shine above the fixture.

Funeral home means an establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

Garage or yard sale means the temporary and occasional use of the garage or yard of a residential dwelling for the casual sale of miscellaneous items of personal property to the general public. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Gas station means an establishment used partly or entirely for storing and dispensing flammable liquids, combustible liquids, combustible gases or gas used as fuel, from fixed equipment into the fuel tanks of motor vehicles. The use may include the sale of lubricating oil and minor accessories for motor vehicles and the sale of soft drinks, candy, cigarettes, and related items for the convenience of motorists. This use does not include automotive repair and servicing or car wash and detailing or a convenience store, although a gas station use may be combined with these principal uses where they too are permitted. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

General industrial services means an establishment engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Establishments providing these services do so mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities include retail sales, offices, and storage. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Golf course means a tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. Accessory uses of a golf course may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

Greenhouse, nursery, and floriculture production means an establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown for resale both in open or enclosed buildings.

Grocery store means an establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.

Guest room means a room designed or intended for occupancy by one or more guests who pay direct or indirect compensation therefore, but in which no provisions is made for cooking. Dormitories are not included herein.

Halfway house means a licensed residential facility providing housing, food, supervision, rehabilitation, and counseling to juvenile or adult persons who have had alcohol or drug problems that make it difficult to cope in society or have been placed in the facility on release from, or in lieu of, more restrictive custodial confinement under the criminal justice system. The purpose of such facilities is to provide residents a supportive family living environment

and care that will help mainstream them back into society. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Hardship housing. See *Post-disaster temporary dwelling.*

Hazardous material collection site means an establishment for the collection, distribution, sale and/or transfer of hazardous material that because of their concentration or physical or chemical characteristics, may pose a substantial hazard to human health or the environment if improperly stored, disposed of, or otherwise managed. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Heavy vehicle/equipment repair and servicing means a heavy vehicle/equipment repair and servicing use is an establishment engaged in the repair and servicing of heavy vehicles and equipment of 12,000 or more pounds gross vehicular weight (GVW). (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Heavy vehicle/equipment sales, rental, or storage means a heavy equipment sales, rental, or storage use is an establishment engaged in the display, sale, leasing, rental, or storage of heavy vehicles and equipment of 12,000 or more pounds gross vehicular weight (GVW). (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Hedge means a fence or a boundary formed by a dense row of shrubs or low trees.

Height. See *Structure height.*

Helicopter landing facility means an identifiable area on land or water, or elevated on a structure, that is licensed or approved for the landing and takeoff of helicopters or other rotorcraft, and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Historic district means any district listed on the Virginia Landmarks Register by the Historic Resources Board according to the procedures specified in Code of Virginia, Title 10.1, ch. 22. (See Article VI: General Overlay Districts.)

Historic landmark means any landmark listed on the Virginia Landmarks Register by the Historic Resources Board according to the procedures specified in Code of Virginia, Title 10.1, ch. 22.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the Virginia Landmarks Register, or certified by the Director of the Virginia Department of Historic Resources as contributing to the historic significance of a historic district listed in the Virginia Landmarks Register, or meeting the criteria for listing in the Virginia Landmarks Register; or

(4) Individually listed on an inventory of historic places developed by the county as part of a historic preservation program that has been certified by the Virginia state historic preservation program.

Home garden means use of land on a residential lot for the outdoor cultivation of vegetables, fruits, flowers, or other small plants as accessory to the principal residential use, for consumption by the occupants of the use.

Home occupation means a business, profession, occupation, or trade that is conducted within or on the premises of a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot, and does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes, but is not limited to: Offices; electronic and offsite retail; studios for fine arts and crafts; and personal services (such as physical therapy and massage clinics by licensed individuals; beauty parlors; pet grooming; and the like), that generally operate on an appointment-only basis. Home occupation does not include such businesses as automotive repair and the like; dentists' or physicians' offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business that is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties. (See accessory/use-specific standards, division 2: Standards for Accessory Uses and Structures, of article VII: Use Standards.)

Home-based business means a special type of home occupation that employs up to two persons who are not residents of the dwelling. (See accessory/use-specific standards, division 2: Standards for Accessory Uses and Structures, of article VII: Use Standards.)

Home-based landscape business means a special type of home occupation that provides tree, lawn, and landscaping services including planting, pruning, mulching, and tree/lawn/grounds maintenance. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Home-based truck hauler business means any home-based business utilizing a truck or commercial vehicle exceeding 5,000 pounds net weight, and having more than two axles. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Homeless shelter means a facility with support and supervisory personnel that provides temporary living accommodations for homeless persons.

Homeowners association means a non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization activities.

Horse boarding and equestrian training means an establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding. Uses include livery stables and riding academies. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Horse racetrack or show grounds means a facility that includes a measured course where horses or other animals are entered in competition against one another or against time or where horses or ponies are judged as part of an exhibition. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Hospice facility means a facility owned or operated by a hospice provider and licensed in accordance with Code of Virginia § 32.1-162 to provide room, board, and appropriate hospice care on a 24-hour basis, including respite and symptom management, to individuals requiring such care pursuant to the orders of a physician.

Hospital means any facility licensed by the Commonwealth of Virginia pursuant to Code of Virginia Title 32.1, in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient, outpatient maternity hospitals, and including such facilities as nursing homes, assisted living facilities, continuing care facilities, self-care facilities, wellness and health maintenance centers, medical office facilities, clinics, alcohol, substance abuse and drug treatment centers, laboratories, research facilities, hospice facilities, facilities for the residence or care of the elderly, the handicapped or the chronically ill, residential facilities for nurses, interns, and physicians and any other kind of facility for the diagnosis, treatment, rehabilitation, prevention, or palliation of any human illness, injury, disorder, or disability. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Hotel or *motel* means a hotel or motel is a building or a group of buildings in which one or more sleeping accommodation units are offered to the public and intended primarily for use by transient persons or tourists for overnight or short-term lodging basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. This use type does not include bed and breakfast inns. Hotels and motels are considered synonymous uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Independent cooking facility. See *kitchen, residential.*

Infill development means the development of vacant or partially developed parcels that are surrounded by or in close proximity to areas that are substantially or fully developed. (See Article VIII: Development Standards.)

Initial lumens means the lumens emitted from a lamp as specified by the manufacturer of the lamp.

Interpretation means an interpretation of the text, uses, or other provisions of this chapter, or the boundaries of official zoning district map of this chapter, or the conditions of approval imposed on a permit or development approval. Interpretations are rendered in accordance with Article II: Administration, or Powhatan County Code, chapter 68 (Subdivisions).

Junkyard / salvage yard means an establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This use does not include automobile wrecker services and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor does it include the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs. This use includes "automotive graveyard" as defined in Code of Virginia § 33.1-348, but does not include storage that is accessory to an agricultural use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Kennel, commercial means a facility (other than an animal confinement facility or animal production use) which charges to or collects from animal owners a fee for overnight maintenance, care or boarding of animals, where five or more dogs, cats, fowl, or other pets over the age of six months are kept. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Kennel, private means a building and/or premises where five or more dogs, cats, fowl (including domestic chickens and ducks), or other pets over the age of six months are kept,

boarded, maintained, or cared for overnight, for private, noncommercial purposes such as for show, hunting, farming, or as household pets. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Kitchen, residential means any single room within a dwelling unit that contains a cooking oven (other than a microwave oven) or gas or electric burners for cooking food, and two or more of the following items:

(1) A microwave oven;

(2) An electrical supply of more than 110 volts;

(3) A sink with a drain one inch in diameter or larger;

(4) A garbage disposal;

(5) A dishwasher; and/or

(6) A refrigerator or freezer.

Lamp means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Land means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land clearing debris disposal facility means a land clearing debris disposal facility is a solid waste management facility other than a construction and demolition debris disposal facility that is the final resting place for materials that normally result from land clearing and/or land development operations for a construction project—including rocks, soils, trees, tree remains, and other vegetative matter, but not vegetative matter from lawn and landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or other sources not related to a construction project. This use is subject to state solid waste management regulations. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Land disturbing activity means any man-made change of the land surface, including removing vegetative cover, excavating, filling, and grading, and the construction of any structure—but not including minor modifications to landscaping or agricultural activities such as planting, cultivating, and harvesting of crops or trees, or growing or tending of gardens.

Landowner means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

Large retail sales establishment means a large retail sales establishment is any retail sales establishment constituting a single business engaged in retail sales activities and located in a stand-alone single tenant building with a gross floor area of 60,000 square feet or more.

Law enforcement facility means protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles. Correctional facilities are not a law enforcement facility and are a separate use type.

Lawn care, pool, or pest control service means an establishment primarily engaged in providing lawn care services (e.g., mowing, aeration, seeding, fertilizer, landscaping), swimming pool services (e.g., cleaning, draining, equipment repair), or pest control services (e.g., inspection, extermination).

Limited commercial landscaping contractor. See *Home-based landscaping business.*

Liquor store means an establishment licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

Live entertainment means and shall include, but not be limited to, musical performances, public speaking, or comedy.

Livestock means animals normally kept for use on a farm or raised for sale or profit, including but not limited to pigs, sheep, goats, cattle, bison (American buffalo), chickens, horses, ponies, alpacas, and llamas.

Livestock market means an enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Loading space, off-street. See Article VIII: Development Standards.

Logo means any display of emblems, lines, or colors, or any combination thereof (but not including letters or numbers), used as a symbol of an organization or business.

Lot means a parcel of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

Lot, corner means a lot other than a through lot that abuts two or more streets at their intersection.

Lot, flag see definition for "lot, flag" in chapter 68 (Subdivision Ordinance), section 301 (Definitions) of the subdivision ordinance.

Lot, interior means a lot abutting only one street.

Lot, through means a lot abutting two parallel or nearly parallel streets.

Lot area means the total horizontal land area within the lot lines of a lot, excluding any area within existing or proposed public street rights-of-way or private road easements or the Floodplain Overlay District.

Lot coverage means the percentage of total lot area covered by all principal and accessory buildings.

Lot line, corner means, on a corner lot, the longer of the two lot lines abutting a public street right-of-way or private road easement.

Lot line, front means a lot line (other than a corner lot line) separating the lot from an abutting public street right-of-way or private road easement. Where the boundaries of a lot extend into an abutting public street right-of-way or private road easement, the front lot line shall be the outside edge of the right-of-way or easement.

Lot line, rear means a lot line not abutting a street and connecting the lot's side lot lines—or a side lot line and a front lot line, for corner lots—along the edge of the lot opposite its front lot line.

Lot line, side means a lot line not abutting a street and connecting the lot's front and rear lot lines.

Lot of record means a lot which is part of a subdivision, a plat of which has been recorded in the office of the clerk of circuit court, or a lot described by metes and bounds, the description of which has been so recorded.

Lot width means the horizontal distance along a line delineating the minimum front yard depth applicable to a lot, between its intersections with the lot's side lot lines. For lots with more than one front yard, lot width applies along the front yard that has the shorter street frontage and for residential lots, fronts the street with the lower traffic volume capacity.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.

Lumen means a standard unit of measurement referring to the amount of light energy emitted by a light source without regard to the effectiveness of its distribution

Luminaire means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Major recreational equipment means a boat, boat trailer, travel trailer, pick-up truck camper, motor coach, motorized dwelling, tent trailer, or similar recreational vehicle or equipment, as well as cases or boxes used for transporting recreational equipment, whether or not occupied by such equipment. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Major thoroughfare plan means a plan identifying roadway improvements needed to support projected growth and assigning priorities for roadway construction, which is incorporated into the long-range comprehensive plan of Powhatan County, Virginia, as amended.

Manufactured home means a structure subject to federal regulation, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Manufactured home park (includes mobile home park) means a parcel of land under single ownership or management which is operated as a business engaged in providing a place where manufactured or mobile homes are installed for non-transient living or sleeping purposes and where sites or lots are set aside or offered for lease for use by manufactured or mobile homes for living or sleeping purposes. Accessory uses to manufactured home parks include caretaker quarters, laundry facilities, and facilities for parks and recreation. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Manufacturing, assembly, or fabrication, heavy means an establishment primarily engaged in the basic manufacturing or processing of materials or products predominately from extracted or raw materials, in the bulk storage or manufacturing use of highly flammable, toxic, or explosive materials, or in storage or manufacturing processes that potentially involve hazardous conditions, the generation of noxious noise, smoke, vapors, fumes, dust, glare, odor, vibration, or other offensive conditions beyond the site of the use. Such uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Manufacturing, assembly, or fabrication, light means an establishment primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. This use type does not include other manufacturing uses specifically listed in the standards for specific principal uses (Article VII: Use Standards). Examples include, but are not limited to: computer design and development; apparel production; sign making; assembly of pre-fabricated parts; manufacture of electric,

electronic, or optical instruments or devices; manufacture and assembly of surgical instruments; manufacture, processing, and packing of cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Marina, commercial means a harbor, boat basin, or other commercial facility that provides secured moorings and/or docking facilities, supplies, or other services for watercraft, including facilities for storing watercraft in or out of the water. Accessory uses may include hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities. This use type does not include the mooring or docking of watercraft at a private dock associated with a residential unit or on private property where no fee is charged.

Marina, noncommercial means a marina designed and intended to be used for mooring of boats by residents of a general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs.

Massage clinic means any establishment other than a regularly licensed hospital where nonmedical and nonsurgical manipulative exercises are practiced on the human body for reasons other than cosmetic or beautifying purposes by anyone that is not a physician or surgeon or has a similarly registered professional status.

Maximum practicable extent means no feasible or practical alternative exists, as determined by the director or administrator (as appropriate), and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account, depending upon their legal applicability, but shall not be the overriding factor determining "maximum extent practicable."

Meat processing facility, minor means a facility for the commercial processing of meat for human consumption, including, but not limited to, slaughtering, butchering, cutting, dressing, and packaging of meat products, but does not include rendering. The primary building where processing occurs cannot exceed 5,000 square feet in size. Associated office and other accessory buildings do not count towards this square footage limit. A meat processing facility is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises. A minor meat processing facility does not include butcher shops, rendering plants, or restaurants. Use is subject to development standards for parking, landscaping, etc. [Sections 83-450, 83-457, 83-455, 83-460, 83-461, 83-462, 83-463, 83-464, 83-465, 83-466, 83-467, 83-468, 83-469, 83-470, 83-471]

Medical or dental clinic means a small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupunctur-

ists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale) or blood/tissue collection centers, drug or alcohol treatment facilities, or massage clinics (which provide specialized medical services).

Medical or dental lab means facilities and offices devoted to bacteriological, biological, x-ray, pathological, and similar analytical or diagnostic services to medical doctors or dentists, including incidental pharmaceutics and the production, fitting, and/or sale of optical, dental, or prosthetic appliances.

Medical treatment facility means facilities and offices for providing inpatient and overnight treatment, care, and support targeted to chronically ill patients or involving minor surgical procedures. This use involves more intensive and longer duration treatment and care than medical clinics and less intensive treatment and care than hospitals. Examples include urgent care centers and outpatient surgery centers.

Metal-working, welding, pipe fitting means an establishment primarily engaged in processing metals to create individual parts or assemblies, fabricating products by joining metals through welding, or installing or repairing piping or tubing systems that convey liquids, gas, steam, or water.

Micro-brewery means an establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 315,000 gallons per year. This use does not include brewpubs, where the primary use is a restaurant rather than brewing, although a micro-brewery may include a restaurant or public tasting room as an accessory use.

Micro-distillery means an establishment primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than 5,000 gallons of finished product per year. A micro-distillery may include a restaurant or public tasting room as an accessory use.

Mobile home park. See *Manufactured home park.*

Model sales home / unit means a dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Motel. See *Hotel or motel.*

Motion picture theater means a motion picture theater that is a building or part of a building, and is devoted to showing motion pictures. This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.

Motorsports park means a facility, primarily outdoors and open to the public for a fee, which is designed for motor vehicle sporting activities. Motor vehicles include but are not limited to automobiles, trucks, go-carts, motorcycles, tractors, dirt bikes, all-terrain vehicles (ATVs) and similar vehicle types.

Moving and storage establishment means a facility primarily engaged in providing local or long-distance trucking of used household, used institutional, or used commercial furniture and equipment. Incidental packing and storage activities are often provided by these establishments.

Museum means a building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products to the public.

Natural disaster means any event in which damage to a use or structure is caused by flooding, hail, wind event or wind storm, lighting strike, tornado damage, explosion, falling trees, or falling tree limbs.

New construction means, for the purposes of determining flood insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Newspaper or magazine publishing means an establishment primarily involved in carrying out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials; selling and preparing advertisements; and publishing of newspapers in print or electronic form. Not included are establishments primarily engaged in printing publications without publishing (categorized as manufacturing and production uses) or education or membership organizations incidentally engaged in publishing magazines or newsletters for distribution to their membership.

Nightclub means a place of entertainment offering alcoholic beverages for consumption on the premises that may also provide on-site entertainment in the form of live performances, dancing, billiards, comedic performances, or other entertainment activities. This use does not include adult theater uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Nonconforming lot means any lot of record that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the lot standards of this chapter, or the subsequent amendment. (See Article IX: Nonconformities.)

Nonconforming sign means any sign that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the sign standards of this chapter, or the subsequent amendment. (See Article IX: Nonconformities.)

Nonconforming site feature means any landscaping, lighting, screening, signage, or exterior building design that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the landscaping, lighting, screening, signage, or exterior building design standards of this chapter, or the subsequent amendment. (See Article IX: Nonconformities.)

Nonconforming structure means any building or other structure (other than a sign) that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the standards of this chapter, or the subsequent amendment, that govern its size, height, lot coverage, setbacks, and other locational aspects. (See Article IX: Nonconformities.)

Nonconforming use means any use of land or a building or other structure that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the use standards of this chapter, or the subsequent amendment. (See Article IX: Nonconformities.)

Nonconformity means a nonconforming use, structure, lot of record, sign, or site feature. (See Article IX: Nonconformities.)

Notice of violation means a notice indicating a violation of this chapter. (See Article X: Enforcement.)

Nursing home means any facility or any identifiable component of any facility licensed in accordance with Code of Virginia Title 32.1 in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Office park means a development that contains more than one separate office building, along with supporting uses, and open space, all of which are designed, planned, constructed, and managed on an integrated and coordinated basis.

Oil or gas extraction means the drilling, extraction, and transportation of subterranean fossil gas and petroleum, and necessary attendant uses and structures, but excluding refining, processing, or manufacturing thereof.

Opacity means the quality or state of a body that makes it impervious to the rays of light.

Open area means the portion of a lot not used for buildings, structures, parking, loading, or streets, which is set aside for landscaping and/or recreation.

Open space means land used for a park, a playground, a recreation facility, resource protection, scenic, or recreational purposes that is individually owned or owned by a property owners association, or similar entity, and is designed for the common use of the residents or occupants of a development, and not for the general public. (See Article VIII: Development Standards.)

Ordinary maintenance and repairs means work done on a building or structure to correct any deterioration or decay of, or damage to, the building or structure, or any part thereof, and restore the building or structure as nearly as practical to its condition before the deterioration, decay, or damage.

Other office facility means any private office use that is a principal use and is not specifically listed in the principal use tables.

Other retail sales establishment means any establishment primarily engaged in the sale, rental, and incidental servicing of goods or commodities that are generally delivered or provided on the premises to a consumer, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, book or media stores, dry cleaning or laundry drop-off stores, laundromats, home and building supply centers, personal and household goods repair, floor covering stores, window treatment stores, camera stores, optical goods stores, clothing stores, shoe stores, luggage stores, jewelry stores, piece goods stores, and pet shops.

Other surface mining means an area used for the excavation or extraction of natural mineral deposits or other natural materials, for financial gain, not including quarrying, soil extraction, or removal of plant matter for resale as landscaping material.

Outdoor display and sale of merchandise means the placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment. (See accessory/use-specific standards, Division 3: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Outdoor luminaire means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

Outdoor seasonal sales means a temporary outdoor business enterprise that is conducted primarily outdoors and offers for retail sale items that are, by their nature, are in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, produce, flowers, and fireworks. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Outdoor storage means the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include a junkyard or salvage yard or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use. Such activities may be the principal

use of a lot or an accessory use to another principal use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; see accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards (outdoor storage; and parking or storage of large vehicles); and see Article VIII: Development Standards.)

Parcel of land means any quantity of land capable of being described with such definiteness that its location and boundaries may be established which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Parent tract means any lot or parcel which was lawfully recorded by a plat of subdivision and/or deed(s) in the Office of the Clerk of the Circuit Court of Powhatan County prior to April 18, 1988. (See: Powhatan County Code, chapter 68 (Subdivisions).)

Park or greenway means a park consists of land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. A greenway is a linear park that links various parts of the community with bicycle and facilities such as bicycle paths and footpaths.

Parking lot or parking structure means a lot or structure used primarily for the temporary storage of motor vehicles. A parking structure may be partially enclosed (parking deck) or fully enclosed or located underground (parking garage). A parking lot or structure may be a principal use of a lot (which may impose time-based parking fees) or an accessory use to the principal use of the lot. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Performance guarantee. See Powhatan County Code, chapter 68 (Subdivisions).

Person means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

Personal industrial services means an establishment engaged in the repair or servicing of commercial or individually owned products. Such uses may include laundry or dry cleaning facilities, carpet cleaning, dyeing facilities, leather-working or upholstery establishments. Customers, including the general public, may come to the visit to conduct business. Accessory activities may include retail sales, offices, and storage.

Personal services establishment means an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include hair salons, tanning salons, and nail care stores.

Pet means animals that have been bred or raised to live in the habitation of humans in a residential setting, and are dependent upon the same for food and shelter, including but not limited to the following: dogs; cats; rabbits; hedgehogs; chinchillas; hermit crabs; hamsters;

gerbils; guinea pigs; mice; rats; turtles; fish; domestic chickens, ducks, and geese; birds such as canaries, parakeets, doves, and parrots; worm/ant farms; chameleons and similar lizards; and spiders and snakes not venomous to humans.

Photometric plan means a point by point plan depicting the intensity and location of lighting on the property.

Place of worship means a building or structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. The building or structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, and cooking and eating facilities. A place of worship may include other uses that generally exist as principal uses—e.g., adult day care center, child day care center, school, cemetery, or recreational facility. Such uses are treated as principal uses combined with the place of worship use and subject to the standards and limitations applicable to such uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Planned development. See Article II: Administration.

Planning commission. See Article II: Administration.

Post office means a facility designated or licensed by the federal government to sell U.S. postage stamps and U.S. postal products and accept mail and packages for delivery.

Post-disaster temporary dwelling means a temporary establishment and use of a replacement dwelling on a lot pending the repair or reconstruction of a single-family detached dwelling on the same lot that has been damaged or destroyed by a fire, hurricane, tornado, or other physical disaster. The temporary dwelling may be an existing accessory

structure on the lot, or a manufactured home, recreational vehicle, or other structure placed on the lot. (See temporary/use-specific standards, Division 2: Standards for Temporary Uses and Structures, of Article VII: Use Standards; and see Article II: Administration.)

Pound means a facility operated by the commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any locality or incorporated society for the prevention of cruelty to animals.

Principal building or structure means a building or other structure in which the principal use of the lot is conducted. A lot may contain more than one principal building or structure. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Principal use means the primary or predominant purpose to which a lot or structure is devoted. A lot may contain more than one principal use.

Printing or other similar reproduction facility means a commercial establishment primarily engaged in lithographic (offset), gravure, flexographic, screen, quick, digital, or other method of printing or reproduction on stock materials on a job order basis.

Private recycling bins means a container or set of containers used for the collection and temporary storage of recyclable materials generated on-site. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Private school means a privately owned and operated school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Professional offices means an office for a business that does not involve the sale of goods or commodities available in the office or dispensing of personal services and provides legal, architectural, engineering, real estate brokerage, insurance, accounting, corporate training facilities, or some other related service to customers.

Public school means a publicly owned and operated school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Public square or plaza means a public square or plaza is community space generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.

Public utility systems/facility. See *Utility use, major.*

Quarrying or soil extraction means an area used for the purpose of removing or extracting stone, rock, soil or similar materials from an open excavation for financial gain and to be used for building or construction purposes. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Radio or television broadcast studio means a facility for the staging and recording of audio or television productions.

Rainwater cistern means a catchment device to capture rain water from a roof or other surface before it reaches the ground. Rainwater cisterns may be located underground or aboveground.

Recreation facility, nonprofit means any use providing for sports and recreation activities that are operated or carried on by a nonprofit organization and open only to organization members and their guests, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, athletic fields, playgrounds, and swimming and tennis clubs.

Recreation facility, commercial indoor means ay private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, health and fitness centers, spas, and gymnastic facilities.

Recreation facility, commercial outdoor means any private outdoor use providing for sports and recreation activities that are operated or carried on primarily for financial gain, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, commercial outdoor swimming and tennis court facilities, batting cages, laser tag facilities, miniature golf, and water parks. This use does not include go-cart racing or motorcycle dirt-track facilities, which constitute motorsports park uses.

Recreation facility, public means any use providing for sports and recreation activities that are operated or carried on by a county, state, or federal government and open to the public, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, athletic fields, playgrounds, swimming and tennis facilities, and gymnasiums.

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 projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Recycling drop-off center means a small collection facility where recyclable materials are purchased or accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of charitable goods. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Repair means the restoration to a good or sound condition of materials, systems and/or components of a structure that are worn, deteriorated, or broken using materials or components identical to or closely similar to existing materials or components.

Replacement cost means the cost of restoring a damaged building or structure to its original condition (exclusive of foundations). Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the county assessor to determine the percentage of the cost of improvements.

Residential care facility means a residential facility for eight or fewer individuals who are treated as a single-family in accordance with Code of Virginia § 15.2-2291.

Resource recovery facility means a solid waste management facility engaged solely in the storage, processing, resale, or reuse of recovered materials—e.g., metal, paper, glass, plastic, textile, rubber, or other materials—that have known recycling potential, can be feasibly recycled, and have been diverted from the solid waste stream. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Restaurant with drive-through service means an establishment where meals or prepared food, including beverages and confections, are served to customers, and that provides an accessory use for the ordering, selling, dispensing, or serving of food, refreshments, or beverages to persons driving by the structure in their motor vehicles. Sale of alcoholic beverages is prohibited within restaurants with drive-through service. Other accessory uses may include banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, and outdoor seating. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Restaurant without drive-through service means an establishment where meals or prepared food, including beverages and confections, are served to customers. Other accessory uses may include bars, banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, and outdoor seating. An establishment that sells both alcoholic beverages and food is classified as a bar or lounge if it derives no more than ten percent of its gross revenue from the sale of food consumed on the premises.

Right-of-way means a dedication of land to be used generally for streets, alleys, or other public uses wherein the owner gives up all his rights to the property as long as it is being used for the dedicated purpose. Also, a land measurement term meaning the distance between lot property lines which generally contain not only the street pavement but also the sidewalks, grass area, and utilities.

Roadside stand means a building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Rooming or boarding house means a building or portion thereof with three or more sleeping rooms used or designed to provide rental lodging, either with meals (boarding house) or without meals (rooming house). (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Rural event venue means a facility owned and operated for the purpose of providing a rural setting in which conferences, banquets, meetings, wedding, and other events may take place, and may include accessory amenities such as dining services, recreational facilities, and overnight accommodations for guests. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Satellite dish means a round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Sawmill, commercial means an operation or facility established for the purpose of sawing or planing of logs or trees into rough slabs using on-site or off-site cut timber. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Sawmill, portable means a portable sawmill, including chippers and debarkers, temporarily located on private property for the processing of on-site cut timber.

Self-service storage facility means a building or group of buildings divided into separate self-contained units or areas offered for rent for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Shallow flooding area means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Shed sales, outdoor means the retail sale and display of prefabricated sheds, carports, gazebos, and similar small-scale structures in an outdoor area as a principal use.

Shelter for victims of domestic abuse means a facility with support and supervisory personnel that provides temporary living accommodations for abused persons.

Shipping container means a standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted on a rail car, or mounted on a chassis for movement by truck trailer, or loaded on a ship. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Shooting range, commercial in accordance with Code of Virginia § 15.2-917, a sport shooting range is an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting, and that is open to the general public.

Shooting range, non-commercial means shooting or archery ranges permitted by a property owner for the benefit of non-profit, non-commercial, or community service organizations, provided that the owner participates in the operation of the range. Such range shall be located on a parcel not less than 30 acres in size. Adjoining parcels may be treated as combined to satisfy the 30 acre requirement, provided all other requirements of this subsection are satisfied. No part of such use shall be located any closer than 300 feet to the public road right-of-way, or 300 feet from any property boundary. Use of the range shall not be open to the

general public. The range shall operate only during daylight, and not before 10:00 a.m. No automatic weapons shall be used. Only weapons of recreational or instructional caliber shall be used.

Shopping center means a development containing three or more separate or different commercial uses on a single lot and that is planned, developed, or managed as a unit, with shared access, parking, and other common areas.

Sight triangle means an area of unobstructed sight distance along the approaches of a street or driveway to an intersection.

Sign means any object, display, structure, or device, or part thereof, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. (See Article VIII: Development Standards.)

Sign permit. See Article II: Administration.

Sign, banner means a sign made of fabric or any non-rigid material with no enclosing framework.

Sign, building-mounted means a sign attached, erected, or painted on the outside wall of a building and supported by any part of a building such as a wall, roof, window, door, canopy, awning, arcade or marquee. (See Article VIII: Development Standards.)

Sign, changeable copy means a sign whose informational content related to the premises where such sign is located can be changed manually such as by changing individually applied letters.

Sign, freestanding means a nonmovable sign supported by a fence or retaining wall, or by upright structural members or braces on or in the ground, and not attached to a building. (See Article VIII: Development Standards.)

Sign, monument means any sign in which the entire bottom is in contact with the ground and is independent of any other structure.

Sign, obsolete means any sign which advertises a business, use, or activity that once occurred but is no longer occurring on the property in which the sign is located.

Sign, outdoor advertising means a sign that directs attention to a product, commodity, or service not necessarily conducted, sold, or offered on the same lot where the sign is located; also referred to as a "billboard."

Sign, temporary means a sign that is not permanently affixed to the ground or other structure, that is designed or constructed in such a manner that it can be moved or relocated without any structural or support changes, and that (a) is used in conjunction with a circumstance, situation, or event designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (b) is intended to remain on the location where it is erected or placed only until the occurrence of

some event. If a sign display area is permanent but the message is displayed subject to periodic changes, such a sign shall not be regarded as temporary. An inflatable device with an affixed sign shall be considered a temporary sign. (See Article VIII: Development Standards.)

Sign, unified means a freestanding sign used to identify multiple business uses within a shopping center, office park, or industrial park. (See Article VIII: Development Standards.)

Small wind energy system means a wind energy conversion system consisting of a rotating wind turbine and related control or conversion equipment that converts the kinetic energy in wind into mechanical energy, has a rated capacity of not more than 100 kilowatts (kW), and is intended to primarily reduce on-site consumption of utility power for homes or businesses. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Solar energy collection system means a system consisting of solar panels and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for on-site use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity for direct on-site use and transfer of excess electricity to an electric utility grid. Solar panels and equipment are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Solar energy farm means a system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. It is designed to meet demands for a larger area and is typically mounted on the ground.

Special flood hazard area means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as identified by the Federal Flood Insurance Administration's Flood Insurance Rate Maps, incorporated into the Floodplain Overlay District, and subject to the standards in Article VI: General Overlay Districts.

Specialty eating or drinking establishment means an establishment selling specialty food or beverage items that normally do not constitute a full meal—including, but not limited to, ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and retail bakeries. Accessory uses may include pick-up facilities for take-out orders, windows for walk-up service, outdoor seating, and facilities providing for drive-through service.

Stadium. See *Arena, stadium, or amphitheater.*

Staff means the professional-level staff of Powhatan County, Virginia to whom the director of community development department delegates responsibilities to administer provisions in this chapter.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial

improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stop work order means an order issued by the administrator that directs the person responsible for a development activity or other act in violation of this chapter to cease and desist such activity or act. (See Article X: Enforcement.)

Story means that portion of a building between the surface of any floor and the surface of the next floor above, or for the topmost floor, between the surface of the floor and the ceiling or roof above. A mezzanine floor counts as a story if it covers over one-third of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. A basement counts as a story if its ceiling is over five feet above the level from which the structure height of the building is measured.

Stream, intermittent means, for purposes of this chapter, a hydrographic feature shown on USGS quadrangle topographic maps (7.5-minute, 1:24,000 scale) as a broken blue line.

Stream, perennial means, for purposes of this chapter, a hydrographic feature shown on USGS quadrangle topographic maps (7.5-minute, 1:24,000 scale) as a solid blue line.

Street grade means the officially established grade of a street, or if no officially established grade exists, the top of the street's roadway at its centerline.

Structure means anything constructed, installed, placed, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

Structure height means the vertical distance from the average elevation of the existing finished grade of a structure at the front of the structure to the top of the roof for a flat roof, to the deck line for a mansard roof, or to the mean height between eaves and ridge for a gable, hip, cone, gambrel, or shed roof.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value

of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surface transportation passenger station/terminal means a facility or location where the principal use is the handling, receiving, transfer, and discharging of passengers of various modes of surface transportation, and at which facilities and equipment for such activities are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

Swimming pool, spa, or hot tub means an above- or below-ground structure that is filled with water and used for swimming (swimming pool) or for soaking, relaxation, massage, or hydrotherapy (hot tub).

Tattoo or body piercing establishment means an establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, or (2) using ink or other substances that result in the permanent coloration or alteration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Taxi or limousine service facility means a service that offers transportation in passenger automobiles and vans to persons, including those who are handicapped, in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or limousines.

Taxidermy shop means a business for the preparation, stuffing, and mounting of animal skins.

Telecommunications facility, collocated means placement of telecommunications tower and/or other telecommunication equipment by two or more different telecommunications service providers on a common antenna-supporting a freestanding telecommunication tower. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Telecommunications tower means any structure that is designed and constructed primarily for the purpose of supporting telecommunication antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes television transmission towers,

microwave towers, common-carrier towers, wireless communication towers, alternative tower structures, and the like. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Television or radio antenna means an omnidirectional antenna tuned to the broadcast frequencies assigned to television or commercial radio. This use does not include an amateur radio antenna or a satellite dish. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Temporary business means a commercial use established on a temporary basis at a particular location other than those other temporary uses specifically listed in the temporary use/structure table. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Temporary business permit. See Article II: Administration.

Temporary construction-related structure or facility means a structure or facility that is associated with new construction—including storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas—and located on or adjacent to the construction site. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Temporary family health care structure means a transportable residential structure (as defined in Code of Virginia § 15.2-2292) providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person requiring assistance with two or more activities of daily living (as defined in Code of Virginia § 63.2-100) that: (a) is primarily assembled at a location other than the site of its installation; (b) is limited to one occupant who is the mentally or physically impaired person; (c) contains no more than 300 square feet of gross floor area; and (d) complies with applicable provisions of the Industrialized Building Safety Law (Code of Virginia § 36-70 et seq.) and the Building Code. A temporary family health care structure shall not count as a dwelling unit for purposes of applying density standards. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Temporary second dwelling for hardship, handicapped, or elderly family member means the temporary use of a second dwelling on a lot as the primary residence for an elderly or infirm member of the family occupying the other dwelling on the lot. A temporary second dwelling for hardship, handicapped, or elderly family member shall not count as a dwelling unit for purposes of applying density standards. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Title loan establishment (*motor vehicle title loan establishment*) means any person or establishment engaged in the business of extending a loan secured by a non-purchase money security interest in a motor vehicle pursuant to Code of Virginia, § 6.2-2200.

Truck gardening means the relatively small-scale production of vegetables (as well as fruit and flowers) for direct sale at markets.

Truck hauler business means any commercial enterprise utilizing trucks or commercial vehicles exceeding 5,000 pounds net weight, and having more than two axles. Thus use is generally a principal use, but may be an accessory use to a dwelling in certain zoning districts. (See Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Truck or freight terminal means a use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Truck stop means any building or lot where the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, and the sale of accessories or equipment for trucks or similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Turkey shoot means a shooting match or similar activity conducted by a non-profit organization, non-commercial, or community service organization involving the discharge of firearms at a target or targets with the object of such activity being to determine a winner of a prize such as a turkey or pork ham or other prize.

Utility entity means a utility district or other entity providing water, sewer, electric, gas, cable television, or telephone services.

Utility use, major means a structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility uses include potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; and see Article XII: Interpretations.)

Utility use, minor means a structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide services and that needs to be located in or near the neighborhood or use type where the service is provided. Examples of minor utility uses include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, CATV lines and certain water towers. The use also includes surface transportation stops such as bus stops and park-and-ride facilities. (See Article XII: Interpretations.)

Variance permit (floodplain). See Article II: Administration.

Variance permit (zoning). See Article II: Administration.

VDOT means the Virginia Department of Transportation.

Vehicle/equipment sales or rental means establishment at which new or used passenger automobiles, trailers, light trucks, motorcycles, boats, or other vehicles or mobile equipment that are in operating condition are displayed for sale, lease, or rental. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Veterinary clinic means a facility for the medical care and treatment of animals, including household pets and larger domesticated animals. Such facilities may provide animal grooming and boarding services, as well as limited retail sales of pet-related merchandise. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Vocational or trade school means a public or private school offering vocational or trade instruction to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Warehouse, distribution or storage means a use engaged in the storage or distribution of manufactured products, supplies, and equipment. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Waste-related uses. See Article XII: Interpretations.

Watercourse means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wetlands means areas inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support—and that normal circumstances do support—a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands, jurisdictional means wetlands regulated by the U.S. Army Corps of Engineers under Section 404 of the federal Clean Water Act.

Wholesale trade establishment means any establishment primarily engaged in selling goods, generally in large quantities, to other businesses for subsequent resale, and that is not specifically listed in the use tables. Such use generally includes facilities for storage and distribution of goods, and may include display areas. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Winery (other than farm winery) means a winery use is a facility licensed in accordance with Code of Virginia § 4.1-207 and regulations of the board of Alcoholic Beverage Control to

manufacture wine and to sell, and deliver or ship such wine in closed containers for the purpose of resale outside the state or by persons licensed by the state to sell the wine at wholesale. The use may include the licensed operation of distilling equipment on the premises to manufacture spirits from fruit or fruit juices only, where used solely to fortify wine produced by the winery. This use does not include a farm winery.

Wood and stump recycling business means the hauling of wood and stumps, including root matter, to the property to be processed by a grinder, chipper, or other method as may be approved for the reclamation of wood and soil. All reclamation and accessory activities shall be conducted on a parcel of three acres or more within an enclosed building or within an area surrounded by a solid wall, fence, or visual barrier to adequately screen reclamation and accessory activities from adjacent properties.

Woodworking means an establishment primarily engaged in millwork and other manufacturing of wood products, such as windows and doors, moldings, flooring. The use also includes millwork, but does not include cabinet or furniture manufacturing, which is considered a separate principal use: manufacturing, assembly, or fabrication, light.

Xeriscape landscaping means a landscaping method that utilizes water-conserving techniques such as the use of drought-tolerant plants, mulch, and efficient irrigation.

Yard means an area within a lot that lies between a principal structure on the lot and the nearest lot line. Yards are further classified as front yards, side yards, and rear yards.

Yard, corner means the yard on a corner lot that is located between the principal structure on a lot and the lot's longest frontage along a public street right-of-way or private road easement (corner lot line), extending the full length of that frontage.

Yard, front means the yard (other than a corner yard) between a principal structure on a lot and the lot's frontage along a public street or private road easement (front lot line), extending the full width of the lot.

Yard, rear means the yard between a principal building on a lot and the rear lot line, extending the full width of the lot.

Yard, required means the area within a lot extending inward from the front, side, or rear lot line for the minimum front, side, or rear yard depth applicable in the zoning district in which the lot is located, and that is required to remain unoccupied and unobstructed from the ground upward except as may be otherwise specifically provided in this chapter.

Yard, side means the yard between a principal building on a lot and the nearest side lot line, extending between the lot's front yard and rear yards (or for through lots, between the lot's opposite front yards.

Yard sale. See *Garage or yard sale.*

Zoning district means an area delineated on the official zoning district map within which a prescribed set of development standards are applied to various types of development. (See Article I, General Provisions.)

Zoning district, base means a zoning district within which a single set of use, intensity, dimensional, and development standards are applied.

Zoning district, overlay means a zoning district superimposed over one or more underlying base zoning districts that imposes standards and requirements in addition to those required by the underlying base zoning district.

Zoning district map, official means the official zoning district map upon which the boundaries of various zoning districts are drawn and which is an integral part of this chapter.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2013-09, 2-3-14; Ord. No. O-2014-03, 2-18-14; Ord. No. O-2014-11, 6-2-14; Ord. No. O-2014-26, 10-6-14; Ord. No. O-2018-24, 9-24-18; Ord. No. O-2019-12, 2-25-19; Ord. No. O-2019-15, 3-25-19; Ord. No. O-2019-20, 4-24-19; Ord. No. O-2020-02, 1-27-20; Ord. No. O-2021-13, 6-28-21; Ord. No. O-2021-21, 8-23-21; Ord. No. O-2022-26, 6-27-22; Ord. No. O-2023-28, § 3, 12-18-23; Ord. No. O-2025-11, 3-24-25)

Secs. 83-522—83-529. Reserved.

ARTICLE XII. INTERPRETATIONS

Sec. 83-530. General rules for interpretation.

The following rules shall apply for construing or interpreting the terms and provisions of this chapter:

(1) *Meanings and intent.* All provisions, terms, phrases, and expressions contained in this chapter shall be interpreted in accordance with the general purposes set forth in section 83-102, Zoning ordinance—General purpose and intent, and the specific purpose statements set forth throughout this chapter. When a specific section of these regulations gives a different meaning than the general definition provided in Article XI: Definitions, the specific section's meaning and application of the term shall control.

(2) *Headings, illustrations, and text.* In the event of a conflict or inconsistency between the text of this chapter and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(3) *Lists and examples.* Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(4) *Computation of time.*

a. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on

a Saturday, Sunday, or holiday observed by the county, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the county. References to days are calendar days, unless otherwise stated.

b. Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document via mailed delivery, three days shall be added to the prescribed period.

(5) *References to other regulations/publications.* Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

(6) *Delegation of authority.* Any act authorized by this chapter to be carried out by the director or the administrator, as appropriate, may be delegated with appropriate authorization.

(7) *Technical and non-technical terms.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(8) *Public officials and agencies.* All public officials, bodies, and agencies to which references are made are those of the County of Powhatan, unless otherwise indicated.

(9) *Mandatory and discretionary terms.* The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

(10) *Conjunctions.* Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

a. "And" indicates that all connected items, conditions, provisions or events apply; and

b. "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

(11) *Tenses and plurals.* Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(12) *Term not defined.* If a term used in any article of this chapter, is not defined, the administrator is authorized to provide a definition through the Interpretation procedure (see section 83-123(o), Interpretation (zoning)) based upon the definitions

used in accepted sources, including but not limited to A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

(Ord. No. O-2014-13, 6-2-14; Ord. No. O-2019-28, 8-26-19)

Sec. 83-531. Measurement, exceptions, and variations of intensity and dimensional standards.

(a) *Measurement.*

(1) *Lot area.* Lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot—excluding any area within existing or proposed public street rights-of-way or private road easements and excluding any area within a Floodplain Overlay District.

(2) *Lot width.* Lot width shall be determined by measuring the horizontal distance along a line delineating the minimum front yard depth applicable to the lot, between its intersections with the side lot lines. For lots with more than one front yard, lot width is measured along the front yard that has the shorter street frontage.

(3) *Density (dwelling units per acre).*

a. Density (expressed as dwelling units per acre) shall be determined by dividing the total number of dwelling units located or proposed on a lot by the lot area (in acres) (see subsection (1) above).

b. Maximum density standards apply only to development comprised of dwelling uses (e.g., household living uses). For a mixed-use development containing dwelling units and nonresidential or non-dwelling principal uses, density shall be determined by dividing the total number of dwelling units located or proposed on the lot by that portion of the lot area allocated to the dwelling uses (and not allocated to nonresidential or non-dwelling uses).

(4) *Floor area ratio.* Floor area ratio shall be determined by measuring the gross floor area (in square feet) devoted to nonresidential and non-dwelling uses on all floors of all buildings located or proposed on a lot by the lot area (in square feet) (see subsection (1) above).

(5) *Lot coverage.* Lot coverage (expressed as a percentage of lot area) shall be determined by measuring the total horizontal land area (in square feet) covered by all principal and accessory structures on the lot, dividing that coverage area by the lot area (see subsection (1) above), and multiplying the result by 100.

(6) *Structure height.* The height of a structure shall be determined by measuring the vertical distance from the average elevation of the existing finished grade at the front of the structure to the top of the roof for a flat roof, to the deck line for a mansard roof, or to the mean height between eaves and ridge for a gable, hip, cone, gambrel, or shed roof.

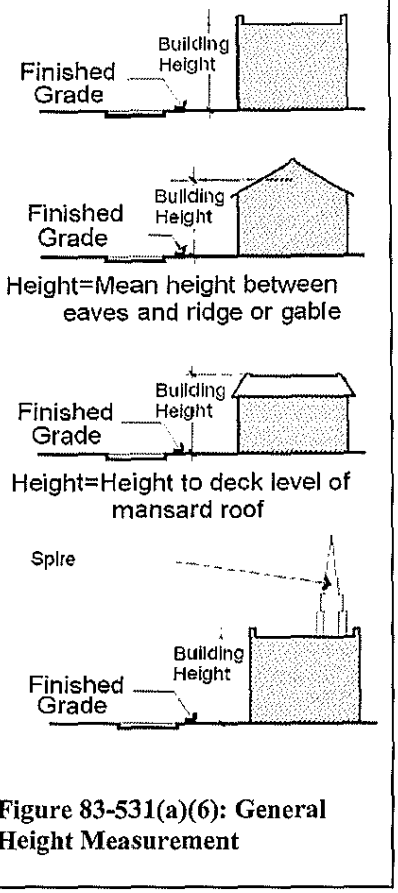


Figure 83-531(a)(6): General Height Measurement

(7) *Yard depth.*

a. *Generally.* Front, side, and rear yard depths on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot's front, side, or rear lot line (as appropriate) to the foundation of the nearest structure on the lot. (See figure 83-531(a)(7)a.: Lot shapes and yards) Allowable encroachments into required yards shall be ignored when measuring yard depths (see section 83-531(b)(5), Allowable encroachment into required yards).

b. *Front yard depth.*

1. *Corner lot.*

i. On a corner lot (which is not a through lot), the front yard depth shall be measured—and the minimum front yard depth requirement applied—from each of the street-fronting lot lines, unless the zoning district in which the property is located specifically establishes a minimum corner lot yard depth, in which case the front yard depth shall be measured from the shorter lot line adjacent to a public street right-of-way or private road easement, regardless of the location of the principal entrance or approach to the main building, and the corner lot yard depth shall be measured from the longer lot line adjacent to a public street right-of-way or private road easement.

ii. On a corner lot where the intersecting right-of-way boundaries are defined by a radius, the front yard depths shall be measured—and the minimum front yard depth requirement applied—from one street-fronting lot line as extended to form an intersecting angle with an extension of the other street-fronting lot line.

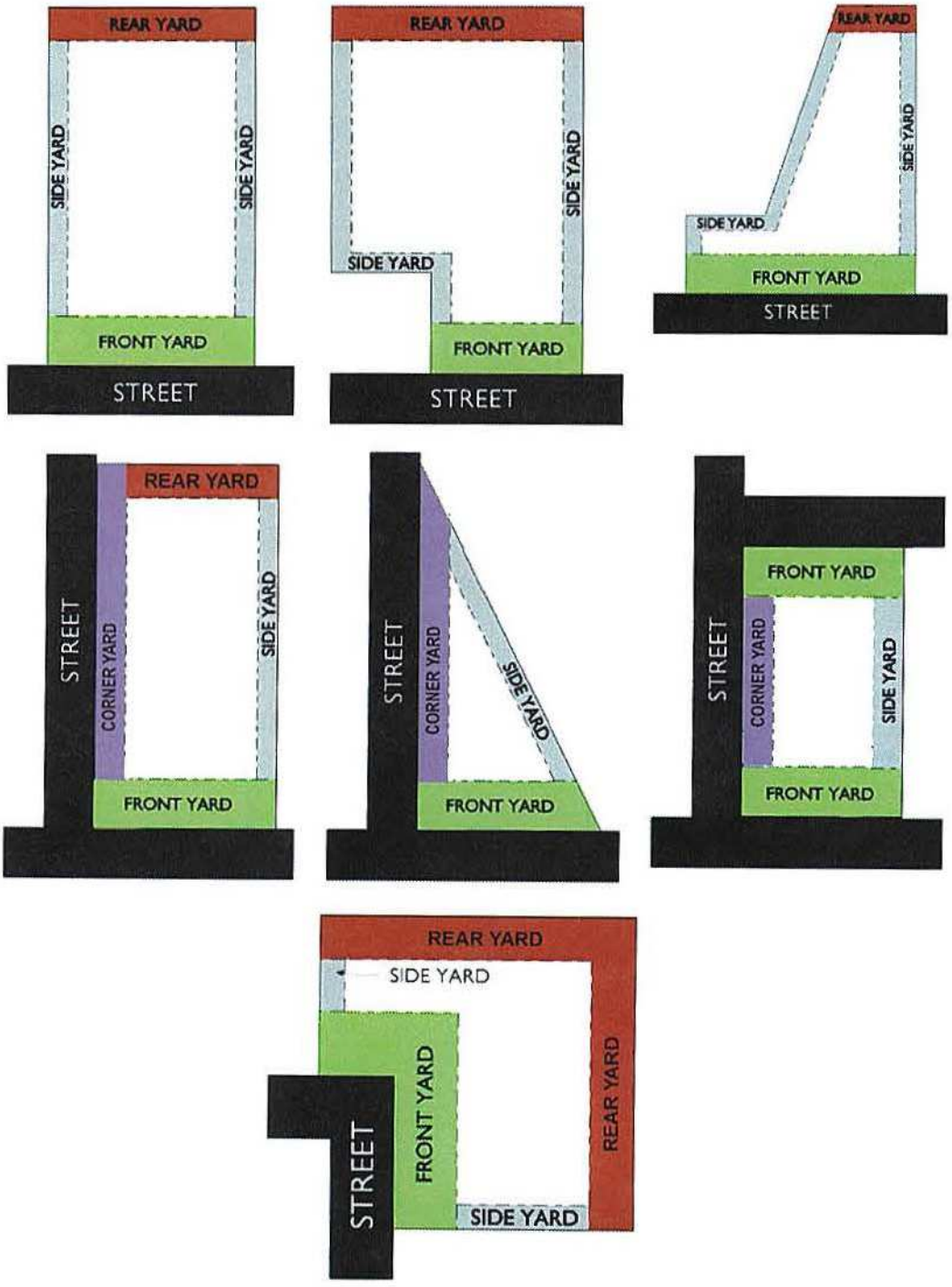


Figure 83-531(a)(7)a.

2. *Through lot.* On a through lot, the front yard depth shall be measured—and the minimum front yard depth requirement applied—from each of the parallel or nearly parallel street-fronting lot lines.
3. *Flag lot.* On a flag lot, the front yard depth shall be measured—and the minimum front yard depth applied—within the "flag" portion of the lot, from the lot line delineating the base of that portion. (See figure 83-531(a)(7)b.3. Flag lot front yard.)
4. *Measured from future street right-of-way.* Where county-adopted plans call for the future widening of the street right-of-way abutting a lot and identify the future right-of-way boundary (e.g., by delineating the boundary or establishing its distance from the street's centerline), the front yard depth shall be measured—and the minimum front yard depth applied—from the future right-of-way boundary. (See figure 83-531(a)(7)b.4.: Front yard abutting future right-of-way.)

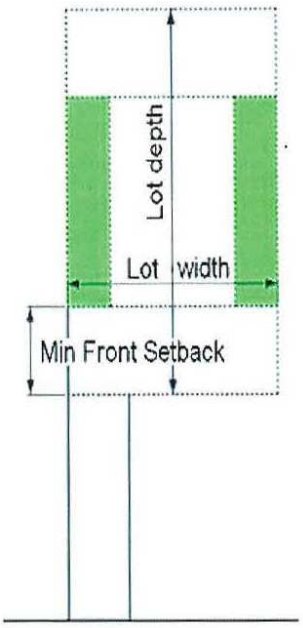


Figure 83-531(a)(7)b.3.: Flag Lot Front Yard

5. *Determining road classification.* When the front yard depth is determined by the classification of the adjacent street (as specified in the intensity and dimensional standards for a specific zoning district), proposed and existing roadways shall be classified in accordance with the major thoroughfare plan adopted by the County of Powhatan.

(b) *Exceptions and variations.*

(1) *Reduction of minimum lot area or width to block face average.* If the average area or width of existing lots located on the same block face and in the same zoning district is less than the minimum lot area or minimum lot width (as appropriate) applied to a lot by the standards in Articles III, IV, V and VI (zoning districts), the minimum lot area or minimum lot width (as appropriate) applicable to the lot shall be reduced to such average.

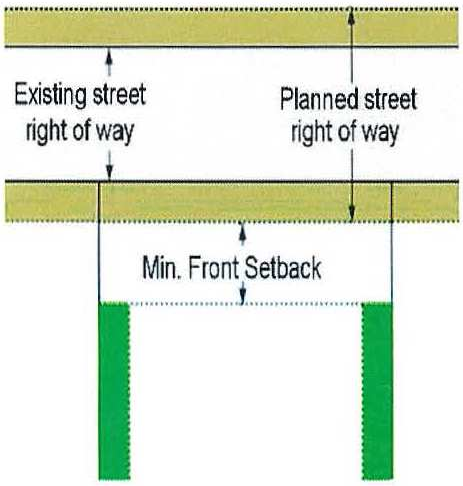


Figure 83-531(a)(7)b.4.: Front Yard Abutting Future Right-of-Way

(2) *Reduction of minimum yard depths to block face average.* If the average front, side, or rear yard depth on improved lots located on the same block face and in the same zoning district is less than the front, side, or rear yard depth (as appropriate) applied to a lot by the standards in Articles III, IV, V and VI (zoning districts), the minimum front, side, or rear yard depth (as appropriate) applicable to the lot shall be reduced to such average.

(3) *Exceptions to maximum structure height.* The maximum structure height limits established in Articles III, IV, V and VI (zoning districts), shall not apply to the following structures or structural elements:

a. Monuments, water towers, silos, granaries, barns, utility transmission towers, derricks, cooling towers, fire towers, and other similar structures not intended for human occupancy.

b. Spires, belfries, cupolas, domes, chimneys, elevator shaft enclosures, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy, provided they:

1. Cover not more than 25 percent of the roof area of the structure to which they are attached;

2. Comply with applicable screening requirements for mechanical equipment and appurtenances in section 83-465, Screening; and

3. Extend above the applicable maximum height limit by no more than 25 percent of the height limit (unless otherwise allowed in this Code).

c. Ham radio antennas, roof-mounted satellite dishes, and television or radio antennas, provided they comply with height limits established for the specific use in Article VII, Division B, Standards for accessory uses and structures.

d. Roof-mounted solar energy collection systems, in accordance with the height standards in Article VII, Division B, Standards for accessory uses and structures.

e. Small wind energy systems, in accordance with the height standards in Article VII, Division B, Standards for accessory uses and structures.

(4) *Allowable encroachment into required yards.* Every part of every required yard shall remain open and unobstructed from the ground to the sky except as otherwise allowed in table 83-531(b)(5), Allowable encroachments into required yards, or allowed or limited by provisions in Article VII: Use Standards, Article VIII: Development Standards, or elsewhere in this Code. (See figure 83-531(b)(2): Allowable encroachment into required yards.)

Table 83-531(b)(5): Allowable Encroachments into Required Yards

Feature	*Extent and Limitations of Encroachment*
1. Open balconies, fire escapes, or exterior stairways	May extend up to ten feet into any required minimum yard, but not nearer to any lot line than a distance of five feet.
2. Moveable awnings	May extend up to ten feet into any required minimum yard, but not nearer to any lot line than a distance of two feet.
3. Bay windows, chimneys, or fireplaces	May extend up to three feet into any required minimum yard, but not nearer to any lot line than a distance of five feet, if no more than ten feet wide.
4. Roof eaves and overhangs, or marquees	May extend up to three feet into any required minimum yard.
5. Sills or entablatures	May extend up to 12 inches onto any required minimum yard.
6. Uncovered porches, stoops, decks, patios, or terraces	May extend into or be located in any required minimum yard if less than 12 inches high, but not nearer to any side or rear lot line than a distance of three feet. If greater than 12 inches high, may extend up to ten feet into any required minimum yard, but not nearer to any lot line than a distance of five feet.
7. Uncovered walkways	May extend into or be located in any required minimum yard if less than 12 inches high.
8. Covered porches, stoops, decks, patios, terraces, or walkways attached to principal structure and open on three sides	May extend up to ten feet into any required minimum yard, but not nearer to any lot line than a distance of five feet.

Table 83-531(b)(5): Allowable Encroachments into Required Yards	
Feature	*Extent and Limitations of Encroachment*
9. Signs, projecting or free-standing	May extend into or be located in any required minimum yard in accordance with section 83-488, Signage.
10. Carports or garages, attached or detached	May not encroach into required yards.
11. Flagpoles	May be located in any required yard if set back from any lot line by a distance equal to the flagpole height.
12. Lighting fixtures, projecting or free-standing	May be located in any required yard if less than 20 feet high, subject to the limitations in section 83-469, Exterior Lighting.
13. Fences or walls	May be located in any required minimum yard, subject to the limitations in section 83-466, Fences and Walls.
14. Accessory Structures other than those listed above	May be located in a required minimum side or rear yard, subject to the limitations in article VII, division 2, Standards for Accessory Uses and Structures.
15. Vegetation and landscaping features such as retaining walls, fountains, ponds, and similar landscaping features	May be located in any required yard.

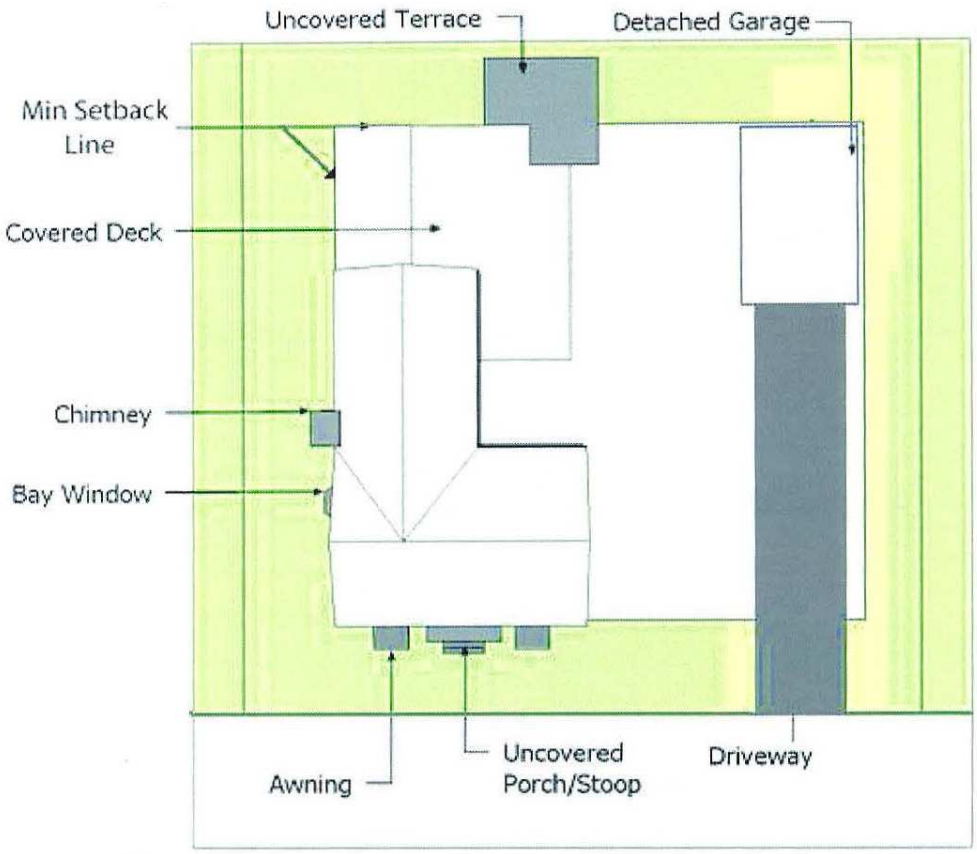


Figure 83-531(b)(2): Allowable Encroachment into Required Yards

(Ord. No. O-2014-13, 6-2-14; Ord. No. O-2018-01, 3-26-18; Ord. No. O-2019-28, 8-26-19)