

**PROPOSED ZONING ORDINANCE
PRELIMINARY DRAFT
RICHMOND COUNTY, VIRGINIA**

JANUARY, 1990

**ALLEN FONOROFF
LAND USE CONSULTANT
K. W. POORE AND ASSOCIATES, INC.
RICHMOND, VIRGINIA**

ZONING ORDINANCE
RICHMOND COUNTY

January 1990

The following preliminary draft contains recommendations for the content of regulations designed to insure sound land use and development practices in accordance with the Comprehensive Plan for Richmond County, Virginia. The draft should be supplemented, adjusted, and reviewed for legality and correctness of form for an ordinance to be submitted to the Board of Supervisors by the County Attorney.

Prepared for
Richmond County

By

Allen Fonoroff

and

K. W. Poore & Associates, Inc.

Richmond, Virginia

This report was produced, in part, through financial support from the Council on the Environment pursuant to Coastal Resources Program Grant No. NA88AA-D-CZ091 from the National Oceanic and Atmospheric Administration.

PREAMBLE

This Ordinance is adopted to promote and protect the public's general welfare including health, safety, and prosperity, and to implement the County's Comprehensive Plan for the orderly and controlled development of the County. These goals include, among others, the specific purposes and intent set forth for each district.

TABLE OF CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
I	GENERAL PROVISIONS	I-1
	Chapter 1 Title, Establishment of Controls, and Interpretation of Regulations . .	I-1
	Section 11-01 Title	I-1
	Section 11-02 Establishment of Controls	I-1
	Section 11-03 Establishment of Districts	I-1
	Section 11-04 Incorporation of Maps	I-2
	Section 11-05 Provisions are Minimum Require- ments	I-2
	Section 11-06 Application of Overlapping Regulations	I-2
	Section 11-07 Location of a Lot Required	I-3
	Section 11-08 Street Frontage Required	I-3
	Section 11-09 Use of Certain Facilities for Dwelling Not Permitted	I-3
	Section 11-10 Accessory Buildings; Prior Construction and Use	I-3
	Section 11-11 Measurement of Distances	I-4
	Section 11-12 Uses Not Permitted Are Prohibited	I-4
	Section 11-13 Interpretation of District Boundaries	I-4
	Section 11-14 Interim Zoning of Annexed Areas	I-5
	Section 11-15 Separability	I-6
	Section 11-16 Effective Date	I-6
	Chapter 2 Construction of Language and Definitions	I-7
	Section 12-01 Rules for Construction of Language	I-7
	Section 12-02 Definitions	I-8
	Chapter 3 Additional Sign Regulations	I-28
	Section 13-01 Building Permit Not Required . .	I-28
	Section 13-02 Prohibited Signs	I-28
	Section 13-03 Permit Specifications	I-29
	Chapter 4 Additional Bulk Regulations	I-30
	Section 14-01 Virginia Condominium Act	I-30
	Section 14-02 Front Yards	I-30
	Section 14-03 Accessory Buildings and Other Structures and Other Uses . .	I-30

	Chapter 5	Development Plan Review	I-33
	Section 15-01	Purpose	I-33
	Section 15-02	Preliminary Development Plans	I-34
	Section 15-03	Final Development Plans	I-35
	Section 15-04	Procedures for Review	I-36
	Section 15-05	Temporary Development Plans	I-37
	Section 15-06	Amendments to Approved Development Plans	I-37
	Section 15-07	Guaranteed Performance	I-38
	Section 15-08	Expiration and Extension of Approval	I-39
	Section 15-09	Right to Continue Project Development	I-39
	Section 15-10	Inspection and Supervision of Improvements	I-39
II	AGRICULTURAL DISTRICTS		II-1
	Chapter 1	AC Agricultural Conservation District	II-1
	Section 21-01	Purpose	II-1
	Section 21-02	Permitted Uses	II-1
	Section 21-03	Bulk Regulations	II-3
	Chapter 2	GA General Agricultural District	II-6
	Section 22-01	Purpose	II-6
	Section 22-02	Permitted Uses	II-6
	Section 22-03	Bulk Regulations	II-9
	Chapter 3	RA Rural Agricultural District	II-11
	Section 23-01	Purpose	II-11
	Section 23-02	Permitted Uses	II-11
	Section 23-03	Bulk Regulations	II-16
III	RESIDENCE DISTRICTS		III-1
	Chapter 1	GRI General Residence I District	III-1
	Section 31-01	Purpose	III-1
	Section 31-02	Permitted Uses	III-1
	Section 31-03	Bulk Regulations	III-4
	Chapter 2	GR II General Residence II District	III-6
	Section 32-01	Purpose	III-6
	Section 32-02	Permitted Uses	III-6
	Section 32-03	Bulk Regulations	III-9

	Chapter 3 RR Residence-Recreation District . . .	III-12
	Section 33-01 Purpose	III-12
	Section 33-02 Permitted Uses	III-12
	Section 33-03 Bulk Regulations	III-16
IV	RETAIL DISTRICTS	IV-1
	Chapter 1 LR Local Retail District	IV-1
	Section 41-01 Purpose	IV-1
	Section 41-02 Permitted Uses	IV-1
	Section 41-03 Bulk Regulations	IV-4
	Chapter 2 GR General Retail District	IV-7
	Section 42-01 Purpose	IV-7
	Section 42-02 Permitted Uses	IV-7
	Section 42-03 Bulk Regulations	IV-11
V	INDUSTRIAL DISTRICTS	V-1
	Chapter 1 LI Light Industrial District	V-1
	Section 51-01 Purpose	V-1
	Section 51-02 Permitted Uses	V-2
	Section 51-03 Bulk Regulations	V-8
	Chapter 2 Performance Standards	V-11
	Section 52-01 Documentation	V-11
	Section 52-02 Air Pollution	V-11
	Section 52-03 Sound	V-11
	Section 52-04 Vibration	V-13
	Section 52-05 Glare, Humidity, Heat	V-14
	Section 52-06 Radioactivity	V-14
	Section 52-07 Solid Waste and Liquid Pollution	V-14
VI	NONCONFORMING USES	VI-1
	Chapter 1 Purpose of Regulations	VI-1
	Chapter 2 General Provisions	VI-2
	Section 62-01 Continuation of Nonconforming Use	VI-2
	Section 62-02 Change of Nonconforming Use	VI-2
	Section 62-03 Enlargement or Extension	VI-2
	Section 62-04 Repairs or Alterations	VI-2
	Section 62-05 Nonconforming Lots of Record	VI-3

	Section 62-06	Damage or Destruction	VI-4
	Section 62-07	Discontinuance	VI-4
VII	PLANNED DEVELOPMENT REGULATIONS	. . . . .	VII-1
	Chapter 1 Purpose	. . . . .	VII-1
	Section 71-01	Applicable Regulations	VII-1
	Section 71-02	Development Plan Review	VII-1
	Section 71-03	Pre-Application Conference	VII-2
	Chapter 2 Use and Bulk Regulations	. . . . .	VII-3
	Section 72-01	Use Regulations	VII-3
	Section 72-02	Bulk Regulations	VII-3
VIII	OVERLAY DISTRICTS	. . . . .	VIII-1
	Chapter 1 Historic Districts	. . . . .	VIII-1
	Section 81-01	Purpose	VIII-1
	Section 81-02	Criteria for Establishing Historic Districts	VIII-1
	Section 81-03	Inventory of Landmarks and Contributing Properties Established	VIII-2
	Section 81-04	Establishing Historic Districts	VIII-2
	Section 81-05	Permitted Uses	VIII-2
	Section 81-06	Limitations on Uses	VIII-3
	Section 81-07	Architectural Review Board Established	VIII-3
	Section 81-08	Membership	VIII-3
	Section 81-09	Term of Office	VIII-4
	Section 81-10	Organization and Rules	VIII-4
	Section 81-11	Powers and Duties	VIII-4
	Section 81-12	Minor Actions Exempted from Review	VIII-6
	Section 81-13	Actions Subject to Review	VIII-7
	Section 81-14	Maintenance and Repair Required	VIII-8
	Section 81-15	Hazardous Buildings or Structures	VIII-9
	Section 81-16	File of Actions to be Maintained	VIII-9
	Section 81-17	Standards for Review	VIII-9
	Section 81-18	General Guidelines for all Decisions	VIII-10
	Section 81-19	Guidelines for New Construction	VIII-10
	Section 81-20	Guidelines for Rehabilitation, Repair or Alteration	VIII-11

Section	81-21	Guidelines for Relocation	VIII-12
Section	81-22	Guidelines for Demolition	VIII-12
Section	81-23	Guidelines for Signs	VIII-13
Section	81-24	Guidelines for Parking and Loading Spaces	VIII-13
Section	81-25	Guidelines for Landscaping and Accessory Uses	VIII-13
Section	81-26	Right of Appeal	VIII-13
Section	81-27	Offer to Sell	VIII-14
Section	81-28	Administrative Process	VIII-15
Section	81-29	Required Documentation	VIII-15
Section	81-30	Review by ARB	VIII-16
Section	81-31	Expiration of Permits	VIII-16
Section	81-32	Inspection by Zoning Administrator	VIII-16
Section	81-33	Delay of Approval	VIII-16
Section	81-34	Conditions for Approval	VIII-17
Section	81-35	Other Required Approvals	VIII-17
Chapter 2	CB Chesapeake Bay Protective District		VIII-18
Section	82-01	Purpose	VIII-18
Section	82-02	County Designation	VIII-18
Section	82-03	Applicability	VIII-18
IX	OFF-STREET PARKING AND LOADING		IX-1
Chapter 1	Off-Street Parking		IX-1
Section	91-01	Application	IX-1
Section	91-02	Required Spaces - Residential Uses	IX-1
Section	91-03	Required Spaces - Public or Community Uses	IX-2
Section	91-04	Required Spaces - Retail Uses	IX-3
Section	91-05	Required Spaces - Industrial	IX-5
Section	91-06	Required Spaces - Handicapped	IX-6
Section	91-07	Joint Use and Off-Site Facilities	IX-6
Section	91-08	Cooperative Parking Arrange- ments	IX-7
Section	91-09	Size of Space	IX-7
Section	91-10	Location of Parking	IX-7
Section	91-11	Performance Standards	IX-8
Section	91-12	Screening	IX-9
Chapter 2	Off-Street Loading		IX-11
Section	92-01	Application	IX-11
Section	92-02	Required Spaces	IX-11
Section	92-03	Location of Loading Space	IX-12

	Section 92-04	Mixed Uses in One Building . . .	IX-12
	Section 92-05	Size of Space	IX-12
	Section 92-06	Performance Standards	IX-12
	Section 92-07	Screening	IX-13
X	ADMINISTRATION	. . . . .	X-1
	Chapter 1	Enforcement and Administration . . .	X-1
	Section 101-01	Enforcement	X-1
	Section 101-02	Duties of Zoning Administrator .	X-1
	Section 101-03	Interpretations of Zoning Ordinance	X-2
	Section 101-04	Filing of Applications and Appeals	X-2
	Chapter 2	Building Permits and Certificate of Occupancy	X-3
	Section 102-01	Building Permits	X-3
	Section 102-02	Manufactured Home - Placement Permit	X-3
	Section 102-03	Existing Permits	X-3
	Section 102-04	Plans to Accompany Applications for Permits	X-3
	Section 102-05	Certificates of Occupancy . . .	X-4
	Chapter 3	Board of Zoning Appeals	X-6
	Section 103-01	Membership	X-6
	Section 103-02	Powers and Duties	X-6
	Section 103-03	Application for a Variance . . .	X-7
	Section 103-04	Standards for Variances	X-7
	Section 103-05	Conditions for Variances	X-8
	Section 103-06	Lapse of Variance	X-9
	Section 103-07	Variances Not Authorized	X-9
	Section 103-08	Appeals	X-9
	Section 103-09	Hearing and Decision	X-10
	Chapter 4	County Planning Commission	X-11
	Section 104-01	Membership	X-11
	Section 104-02	Powers and Duties	X-11
	Chapter 5	Amendments to the Zoning Ordinance .	X-13
	Section 105-01	Who May Amend	X-13
	Section 105-02	Application Requirements	X-13
	Section 105-03	Referral to Commission and Public Hearing	X-14
	Section 105-04	Commission Report	X-15
	Section 105-05	Withdrawal of Application	X-16

Section 105-06	Action by Board of Super- visors	X-16
Section 105-07	Limitation on Rehearing	X-16
Chapter 6	Violations and Penalties	X-17
Section 106-01	Violations	X-17
Section 106-02	Penalties	X-17
Chapter 7	Fees	X-18
Section 107-01	Applicability	X-18

ARTICLE I GENERAL PROVISIONS

Chapter 1 Title, Establishment of Controls, and Interpretation of Regulations

11-01 Title

This Ordinance shall be known and may be cited as the Zoning Ordinance of Richmond County, Virginia. It is hereby ordained by the Board of Supervisors of Richmond County that the Zoning Ordinance be adopted pursuant to the provisions of Title 15.6, Chapter II, Section 8 of the Code of Virginia, 1950 as amended.

11-02 Establishment of Controls

- a. In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the applicable regulations of this ordinance.
- b. In all districts, after the effective date of this Ordinance, and except as otherwise provided in Article VI (Non-Conforming Uses)
 - (1) The use of any existing building or other structure may be continued, changed, or extended,
 - (2) The use of any existing tract of land may be continued, changed, or enlarged, or
 - (3) Any existing building or other structure may be enlarged, altered, converted, reconstructed, or relocated only in accordance with the applicable regulations of this ordinance.

11-03 Establishment of Districts

In order to carry out the purposes and provisions of this Ordinance, the following districts are hereby established:

Agricultural Districts

- AC Agricultural Conservation District
- GA General Agricultural District
- RA Rural Agricultural District

Residence Districts

GR 1 General Residence District
GR 2 General Residence District (Urban)
RR Residence Recreation District

Retail Districts

LR Local Retail District
GR General Retail District

Industrial Districts

LI Light Industrial Districts

Overlay Districts

H Historic Districts
CB Chesapeake Bay Protective District

11-04 Incorporation of Maps

The location and boundaries of the districts established by this Ordinance are shown upon the zoning maps, which are hereby incorporated into the provisions of this Ordinance. The said zoning maps in their entirety, including all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein.

11-05 Provisions Are Minimum Requirements

In interpreting and applying the provisions of this Ordinance, such provisions shall be considered as the minimum requirements:

- a. To promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare, as set forth in the purposes and intent of this Ordinance and in the statements of intent for the respective districts and other regulations, and
- b. To provide a gradual remedy for existing conditions which are detrimental thereto.

11-06 Application of Overlapping Regulations

Whenever any provision of this Ordinance and any other provisions of law, whether set forth in this Ordinance or in any other law or ordinance impose overlapping or contradictory regulations over the use of land, or over

the use or the height, area, or yards of buildings or other structures, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

11-07 Location of a Lot Required

Every building or structure hereafter erected, reconstructed, converted, relocated, or structurally altered shall be located on a lot of record and in no case shall there be more than one main building on one lot except:

- a. Institutional buildings.
- b. Public buildings.
- c. Cluster developments, planned unit developments.
- d. Convalescent or nursing homes and homes for the aged.
- e. Retail and industrial buildings.

The provisions of this exception shall not be construed to permit the encroachment of any building beyond the buildable area of the lot.

11-08 Street Frontage Required

Every main building shall abut upon a street with the minimum street frontage of 50 feet. No lot abutting the terminus of a public street shall be deemed to comply with street frontage requirements unless such lot abuts on an approved permanent cul-de-sac.

11-09 Use of Certain Facilities for Dwelling Not Permitted

Travel trailers, campers, motor homes, other recreation vehicles, tents, camp cabins, mobile homes, manufactured homes and the like shall not be used for permanent or full time dwellings in any district, whether or not connected to utilities, wells or septic systems, except as permitted by the provisions of this Ordinance.

11-10 Accessory Buildings; Prior Construction and Use

Except for buildings or structures accessory to a farm, no accessory building or structure shall be constructed upon a lot for more than six months prior to the beginning of construction of the main building and no accessory building or structure shall be used for more

than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building or structure on a farm or otherwise, shall be used as a dwelling unit except in accordance with the specific provisions of this Ordinance.

11-11 Measurement of Distances

Except as otherwise specifically provided, all prescribed distances shall be measured in a straight line, not necessarily coinciding with a street line.

11-12 Uses Not Permitted Are Prohibited

For the purposes of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.

11-13 Interpretation of District Boundaries

- a. A district name, letter or letter-number combination shown on the Zoning Map indicates that the regulations pertaining to the district designated by that name, letter or letter-number combination extend throughout the whole area in the County bounded by the district boundary lines within which such name, letter or letter-number combination is shown or indicated, except as otherwise provided.
- b. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map accompanying and made a part of these Ordinance, the following rules apply:
 - (1) In cases where a boundary line is given a position within a road, street or alley, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the road, street, alley, or stream, and if the actual location of such road, street, alley, or stream varies slightly from the location as shown on the Zoning Map, then the actual location shall control.
 - (2) In cases where a boundary line is shown as being located a specific distance from a

road or street line or other physical feature, this distance shall control.

- (3) Where the district boundaries are shown on the Zoning Map to approximately coincide with lot lines or county limit line, those lines shall be construed to be the district boundary line unless otherwise indicated.
- (4) In cases where district boundaries as shown on the Zoning Map do not coincide or approximately coincide with road or street lines, alley lines or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.
- (5) If, because of error or omission in the Zoning Map, any property within the jurisdiction of this Ordinance is not shown as being in a zoning district, such property shall be classified AC Agricultural Conservation District until changed by amendment.
- (6) In cases where a boundary line is shown as adjoining a railroad, it shall (unless otherwise fixed) be considered to coincide with the boundary line of the railroad right-of-way.
- (7) In cases of parks, cemeteries, or navigable waters, the boundary line shall (unless otherwise fixed) be considered to coincide with the boundary line of the park or the cemetery or the pierhead line, except that in cases where no pierhead line has been established the shore line shall control.

11-14 **Interim Zoning of Annexed Areas**

All land which shall come into the territorial jurisdiction of the County shall be classified AC, Agricultural Conservation District for such reasonable time until changed by amendment, to provide for reasonable orderly interim regulation of use and development of land within the annexation area.

11-15

Separability

If any provision of this Ordinance, or the application thereof to any lot, building or other structure are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision which is expressly stated in the decision to be invalid or ineffective, or to the lot, building or other structure immediately involved in the controversy. All other provisions of this Ordinance shall continue to be separately and fully effective, and the application of any such provision to other persons or situations shall not be affected.

11-16

Effective Date

Chapter 2 Construction of Language and Definitions

12-01 Rules for Construction of Language

The following rules of construction apply:

- a. The particular shall control the general.
- b. In case of any difference of meaning or implication between the text of this resolution and any caption or illustration, the text shall control.
- c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- d. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. A "building" or "structure" includes any part thereof.
- f. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- g. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- h. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either ... or", the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

Definitions

Words in the text of this Ordinance shall be defined and interpreted in accordance with the provisions of this section.

Accessory use, or accessory

An "accessory use":

- a. Is a use conducted on the same lot as the principal use to which it is related (whether located within the same or an accessory building or other structure, or as an accessory use of land), except that, where specifically provided in the applicable district regulations, accessory off-street parking or loading need not be located on the same lot; and
- b. Is a use which is clearly incidental to, and customarily found in connection with, such principal use; and
- c. Is either in the same ownership as such principal use, or is operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use.

When "accessory" is used in the text, it shall have the same meaning as accessory use.

An accessory use includes:

- a. Living or sleeping accommodations for servants.
- b. Living or sleeping accommodations for caretakers.
- c. Living or sleeping accommodations for employees in connection with retail or industrial uses.
- d. Keeping of domestic animals, but not for sale or hire. A commercial stable or kennel is not an accessory use.
- e. Swimming pools not located within a residential building provided that:

- (1) The use of such pools shall be restricted to occupants of the principal use and guests for whom no admission or membership fees are charged;

- (2) If accessory to a multiple dwelling, the edge of the pool shall be located not less than 100 feet from any lot line;
- (3) If accessory to a single family dwelling, the edge of the pool shall be located not less than 10 feet from any lot line, and in the event that such pool is located less than 50 feet from any rear lot line or side lot line, it shall be screened by a continuous fence, supplemented with a strip of densely planted trees or shrubs at least four feet high at the time of planting, along such rear lot line and that portion of any side lot line adjacent to such pool;
- (4) Illumination of such pools shall be limited to underwater lighting.

Swimming pool clubs are not accessory uses.

- f. Domestic or agricultural storage in a barn, shed, tool room, or similar building or other structure.
- g. Home occupations.
- h. In connection with retail or industrial uses, the storage of goods normally carried in stock, used in, or produced by such uses, unless the storage is expressly prohibited under the applicable district regulations. The floor area used for such accessory storage shall be included in the maximum floor area permitted for specified uses set forth in the district regulations.
- i. Incidental repairs, unless expressly prohibited under the applicable district regulations. The floor area used for such accessory repairs shall be included in the maximum floor area permitted for specified uses set forth in the district regulations.
- j. The removal for sale of sod, loam, clay, sand, gravel, or stone in connection with the construction of a building or other structure on the same lot, or in connection with the regrading of a lot, but in the latter case not below the legal street grade.
- k. Accessory off-street parking spaces open or enclosed.

- l. Accessory off-street loading spaces.
- m. Accessory signs.
- n. Accessory radio or TV structure.

Alley

An alley is a right of way affording secondary means of access to abutting property.

Alterations, incidental, or to alter incidentally

- a. Changes or replacements in the non-structural parts of a building or other structure, without limitation to the following examples:
 - (1) Alteration of interior partitions to improve livability in a non-conforming residential building, provided that no additional dwelling units are created thereby,
 - (2) A minor addition on the exterior of a residential building, such as an open porch,
 - (3) Alteration of interior non-load-bearing partitions in all other types of buildings or other structures,
 - (4) Replacement of, or minor changes in, the capacity of utility pipes, ducts, or conduits; or
- b. Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
 - (1) Making windows or doors in exterior walls,
 - (2) Replacement of building facades,
 - (3) Strengthening the load-bearing capacity, in not more than 10 percent of the total floor area, to permit the accommodation of a specialized unit of machinery or equipment.

To "alter incidentally" is to make an incidental alteration.

Automotive service station

An automotive service station is a building or other structure or a lot of land used exclusively for the storage and sale of gasoline or other motor fuels and for any uses accessory thereto.

The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles with hand tools only, or the occasional washing of motor vehicles are permitted accessory uses.

A public parking lot or public parking garage is not a permitted accessory use.

Basement

A "basement" is a story (or portion of a story) partly below ground level, with at least one-half of its height (measured from floor to ceiling) above ground level. On through lots the ground level nearest to a story (or portion of a story) shall be used to determine whether such story is a basement.

Block

A "block" is a tract of land bounded by:

- a. Streets,
- b. Public parks,
- c. Railroad rights-of-way, when located at or above ground level but not including sidings or spurs in the same ownership as the lot.
- d. Airport boundaries,
- e. Pierhead lines (or shore lines, where not pierhead lines have been established), or
- f. Boundary lines of the County.

Building

A "building" is any structure which:

- a. Is permanently affixed to the land, and
- b. Has one or more floors and a roof, and

c. Is bounded by either open area or lot lines.

A building shall not include such structures as billboards, fences, tv or radio towers, or structures with interior surfaces not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

A building may, for example, consist of a one-family detached residence, a two-family residence, either a row house or a series of row houses (depending on location of lot lines), a row of garden apartments with individual entrances, or an apartment house; a single store or a row of stores (depending on location of lot lines); or a single factory.

Building, mixed

A mixed building is a building in a retail district used partly for residential use and partly for community facility or retail use.

Building or other structure

A "building or other structure" includes any building or any other structure of any kind.

Bulk

Bulk is the term used to describe the size of buildings or other structures, and their relationships to each other and to open areas and lot lines, and therefore includes:

- a. The size (including height and floor area) of buildings or other structures, and
- b. The area of the lot upon which a residential building is located, and the number of dwelling units or rooms within such building in relation to the area of the lot, and
- c. The shape of buildings or other structures, and
- d. The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, or to other buildings or other structures, and
- e. All open areas relating to buildings or other structures and their relationships thereto.

Cluster Development

Cluster development is land developed as a single activity according to an approved plan and having common open space.

Completely enclosed

A completely enclosed building is a building separated on all sides from the adjacent open area, or from other buildings other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles. However, a public parking garage, or a building containing accessory off-street parking spaces which has less than 50 percent of its outer wall space open, shall be considered a completely enclosed building.

Detached

A detached building is a building surrounded by yards or other open area on the same lot.

Development, or to develop

A development includes the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of a lot for a new use.

To "develop" is to create a development.

Dwelling unit

A dwelling unit consists of one or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one or more persons living together and maintaining a common household, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof. A dwelling unit shall not include boats, trailers, mobile homes, manufactured homes, recreation vehicles, hotels, motels or similar uses.

Enlargement or to enlarge

An enlargement is an addition to the floor area of an existing building, an increase in the size of any other

structure, or an increase in that portion of a lot occupied by an existing use.

.To "enlarge" is to make an enlargement.

Family

A family is any number of persons living together and maintaining a common household with single kitchen facilities. A common household shall be deemed to exist if all members of the family have access to all parts of the dwelling unit.

Floor area

Floor area is the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. In particular, floor area includes:

- a. Basement space,
- b. Elevator shafts or stairwells at each floor,
- c. Attic space, (whether or not a floor has been laid) providing structural headroom of eight feet or more,
- d. Floor space in interior balconies or mezzanines,
- e. Any other floor space used for dwelling purposes, no matter where located within a building,
- f. Floor space in accessory buildings, except for floor space used for accessory off-street parking,
- g. Floor space for accessory off-street loading spaces in excess of 200 percent of the amount required by the applicable district regulations, or
- h. Any other floor space not specifically excluded.

However, the floor area of a building shall not include:

- a. Elevator or stair bulkheads, accessory water tanks, or cooling towers,
- b. Uncovered steps.

Grade

The grade, grade level, or grade elevation is the average of the finished ground adjacent to all the corners or other main points in the perimeter wall of the building.

Height, Building

The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is within 35 feet of the front lot line, or from the grade level in all other cases.

Home occupation

A home occupation is an accessory use which:

- a. Is clearly incidental to or secondary to the residential use of a dwelling unit or rooming unit, and
- b. Is carried on within a dwelling unit or accessory building by one or more occupants of such dwelling unit except that, in connection with the practice of a profession, one person not residing in such dwelling unit or rooming unit may be employed, and
- c. Occupies not more than 25 percent of the total floor area of such dwelling unit and in no event more than 500 square feet of floor area.

In connection with the operation of a home occupation it shall not be permitted:

- a. To sell articles produced elsewhere than on the premises,
- b. To have exterior displays, or a display of goods visible from the outside,
- c. To store materials or products outside of a principal or accessory building or other structure,
- d. To display a nameplate or other sign except as permitted by the zoning district regulations,
- e. To make external structural alterations which are not customary in residential buildings, and

- f. To produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects.

Home occupations include:

- a. Fine arts studios
- b. Professional offices
- c. Teaching of not more than four pupils simultaneously or, in the case of musical instruction, of not more than a single pupil at a time.

However, home occupations shall not include:

- a. Advertising or public relations agencies,
- b. Barber shops,
- c. Beauty parlors,
- d. Commercial stables or kennels,
- e. Depilatory, electrolysis, or similar offices,
- f. Interior decorators' offices or workshops,
- g. Real estate or insurance offices, or
- h. Stockbrokers' offices.

Hotel or motel

A hotel or motel is a building in which:

- a. Living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis, and
- b. One or more common entrances serve all such living or sleeping units, and
- c. Twenty-four hour desk service is provided.

Permitted accessory uses include restaurants, cocktail lounges, public banquet halls, ballrooms, or meeting rooms.

Lot

A lot is either:

- a. A lot of record existing on the effective date of this Ordinance or any applicable subsequent amendment thereto, or
- b. A tract of land, either unsubdivided or consisting of two or more contiguous lots of record, located within a single block, which, on the effective date of this or any applicable subsequent amendment thereto, was in single ownership, or
- c. A tract of land located within a single block, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy), is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

A lot therefore may or may not coincide with a lot as shown on any map of record, or on any recorded subdivision plat or deed.

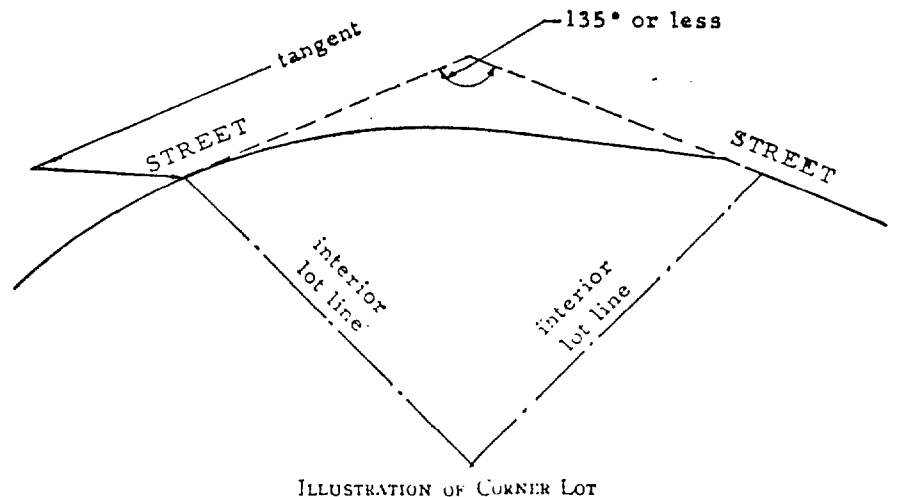
For the purposes of this definition, ownership of a lot shall be deemed to include a lease of not less than 50 years duration, with an option to renew such lease so as to provide a total lease of not less than 50 years duration, with an option to renew such lease so as to provide a total lease of not less than 75 years duration.

A lot may be subdivided into two or more lots, provided that all resulting lots and all buildings thereon shall comply with all of the applicable provisions of this Ordinance. If such lot, however, is occupied by a non-complying building, such lot may be subdivided provided such subdivision does not create a new non-compliance or increase the degree of non-compliance of such building.

Lot, corner

A corner lot is either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets and in which the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines, forms an angle of 135 degrees or less. In the event that any street

line is a curve at its point of intersection with a lot line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line. Any portion of a corner lot whose nearest frontage is more than 100 feet from the point of intersection of the two street lines or of the two tangents shall be subject to the regulations for a through lot or for an interior lot, whichever is applicable.



Lot depth

Lot depth is the mean horizontal distance between the front lot line and rear lot line of a lot.

Lot, interior

An "interior lot" is any lot neither a corner lot nor a through lot.

Lot line

A "lot line" is a boundary of a lot.

Lot line, front

A front lot line is a street line.

Lot line, rear

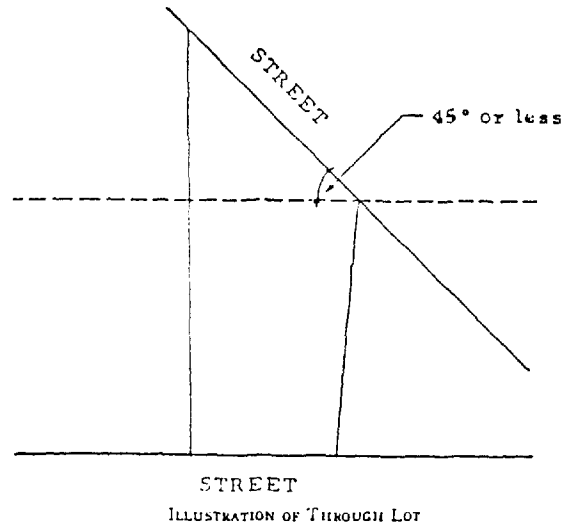
A rear lot line is any lot line of a lot, except a front lot line, which is parallel or within 45 degrees of being parallel to, and does not intersect, any street line bounding such lot.

Lot line, side

A side lot line is any lot line which is not a front lot line or a rear lot line.

Lot, through

A "through lot" is any lot, not a corner lot, which adjoins two street lines opposite to each other and parallel or within 45 degrees of being parallel to each other.



Lot width

Lot width is the mean horizontal distance between the side lot lines of a lot.

Lot of record

A lot of record is any lot legally recorded in the Clerk's Office of the Richmond County Circuit Court.

Manufactured Home

A manufactured home is a building subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities;

and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

Manufactured Home Park

A manufactured home park is a lot on which are located or which is arranged or equipped for the accommodation of two or more manufactured homes occupied for living purposes.

Manufactured Home Subdivision

A manufactured home subdivision is an area designed to accommodate one or more manufactured homes or modular homes on individual lots which may be offered for sale under the terms of this Ordinance and the County Subdivision Ordinance.

Mobile Home

A mobile home is a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable but designed to be joined and joined into one integral unit.

Non-conforming or non-conformity

A non-conforming use is any lawful use, whether of a building or other structure or of a tract of land, which does not conform to any one or more of the applicable regulations of the district in which it is located, either on the effective date of this Ordinance or as a result of any subsequent amendment thereto.

However, no existing use shall be deemed non-conforming, nor shall a non-conformity be deemed to exist, solely because of any of the following:

- a. The existence of less than the required accessory off-street parking or loading spaces; or
- b. The existence of non-conforming accessory signs.

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use, and the existence of a non-conforming use on a part of a lot shall not be construed to establish a non-conforming use on the entire lot.

Open space

Open space is that part of a lot which:

- a. Is open and unobstructed from its lowest level to the sky,
- b. Is accessible to and usable by all persons occupying a dwelling unit on the lot, and
- c. Is intended to provide light and air, and is designed for scenic or recreational purposes.

Open space shall not include driveways, off-street parking or loading spaces, or any area of less than 300 square feet.

Public Parking Garage

A public parking garage is a building or other structure which:

- a. Provides parking or storage for motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles, and
- b. Is not accessory to a use on the same or another lot.

Sale of petroleum products or minor repairs incidental to the parking or storage of motor vehicles are permitted accessory uses, if carried on within a completely enclosed building.

Public Parking Lot

A public parking lot is any lot which:

- a. Is used for the parking or storage of motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles, and
- b. Is not accessory to a use on the same or another lot.

Minor repairs incidental to the parking or storage of motor vehicles is a permitted accessory use.

Residence, or residential

A residence is a building or part of a building containing dwelling units, including one-family or two-family houses, and multiple dwellings. However, residences do not include:

- a. Such transient accommodation as hotels, motels, trailer camps, or mobile homes, or
- b. Dormitories, fraternity or sorority houses, monasteries, or convents, or
- c. Nurses' residences, sanitariums, nursing homes, or other similar living or sleeping accommodations.

Residential means pertaining to a residence.

Rooming house

A rooming house is a building other than a hotel, motel, or motor lodge, where, for compensation and by pre-arrangement for definition periods, lodging, meals, or lodging and meals are provided for three or more persons but containing no more than five sleeping rooms.

School

A school, including a nursery school and kindergarten, is an institution providing full-time instruction and a course of study which meets the requirements of the Code of Virginia.

Setback line

A setback line is a horizontal distance measured from a street line, side or rear lot line, a body of water, beach, or wetland into the lot for a depth as set forth in the district regulations of this Ordinance.

Show window

A show window is a window or opening in the exterior wall of any portion of a building used for business purposes, through which merchandise, services, or business are displayed or advertised. A window glazed with transparent glass in the business portion of a

building, any part of which window is less than six feet above the sidewalk or the established sidewalk grade beneath the window, shall be a show window.

Sign

A sign is any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character, which:

- a. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and
- b. Is used to announce, direct attention to, or advertise, and
- c. Is visible from outside a building. A sign shall include writing, representation, or other figure of similar character within a building only when illuminated and located in a window.
- d. Memorial signs or tablets
- e. Temporary signs denoted architect, engineer, or contractor when placed on construction sites and not exceeding 20 square feet in area
- f. Signs required to be maintained by law or governmental order, rule, or regulation, with a total surface area not exceeding ten square feet on any lot
- g. Small signs displayed for the direction or convenience of the public, including signs which identify rest rooms, freight entrances, or the like, and those identifying handicapped parking spaces, with a total surface area not exceeding five square feet on any lot.

When two sides of a double-faced sign are located not more than 28 inches apart at the widest point and not more than 18 inches apart at the narrowest point and display identical writing or other representation, the surface area shall include only one of the sides. Any additional side of a multi-faced sign shall be considered as a separate sign for purposes of computing the total surface area of the sign.

Sign, advertising

An advertising sign is a sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same lot.

Sign, business

A business sign is an accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same lot.

Sign, flashing

A flashing sign is any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

Illuminated signs which indicate the time, temperature, weather, or other similar information shall not be considered flashing signs, provided that:

- a. The total surface area of such sign is not greater than 16 square feet,
- b. The vertical dimension of any letter or number is not greater than 24 inches, and
- c. Color or intensity of light is constant except for periodic changes in the information displayed, which occur not more frequently than once every minute.

Sign, illuminated

An illuminated sign is a sign designed to give forth any artificial light or reflect such light from an artificial source.

Sign with indirect illumination

A sign with indirect illumination is any illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged

that no direct rays of light are projected from such artificial source into residences or streets.

Sign, surface area

The surface area of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports or uprights on which such sign is supported shall not be included in determining the surface area of a sign.

Street

A street is a right-of-way shown on the Official Map, or a right-of-way intended to provide primary vehicular access to a lot with a minimum width of 50 feet throughout its length. Such street shall stay open and unobstructed throughout the life of any building or other structure use which depends thereon to satisfy any of the provisions of this Ordinance.

Street line

A street line is a lot line separating a street from other land.

Townhouse

A townhouse is a single family dwelling designed to form a group of three or more attached single family dwellings separated by party walls without any means of access or visibility through such walls and having roofs which may extend from one dwelling unit to another. For the purpose of this Ordinance, townhouse development shall be considered a planned development as regulated by Article VII herein.

Use

A use is:

- a. Any purpose for which a building or other structure or lot may be designed, arranged, intended, maintained, or occupied, or

- b. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a lot.

Yard

A yard is that portion of a lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from the lot line for a depth or width set forth in the applicable district yard regulations.

Yard equivalent

A rear yard equivalent is an open area which may be required on a through lot as an alternative to a required rear yard.

Yard, front

A front yard is a yard extending along the full length of a front lot line. In the case of a corner lot, any yard extending along the full length of a street line shall be considered a front yard.

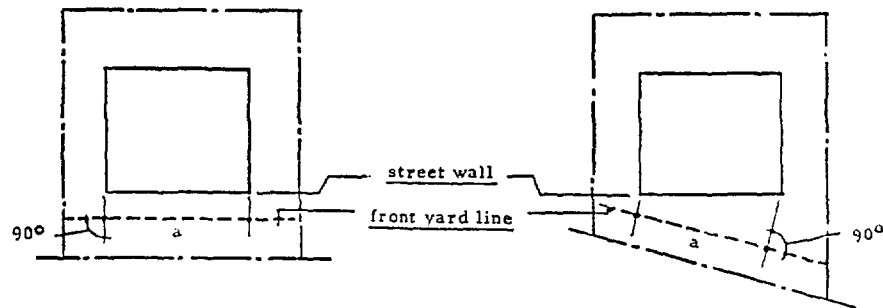
Yard line, front

A front yard line is a line drawn parallel to a front lot line at a distance therefrom equal to the depth of a required front yard.

Yard line, front, level (of)

The front yard line level is the mean level of that portion of the front yard from which, when viewed directly from above, lines perpendicular to the front yard line may be drawn to a street wall. On corner

lots, the front yard line level is the mean of the front yard line levels.



a portion of front yard line used
to determine front yard line level

ILLUSTRATION OF FRONT YARD LINE LEVEL

Yard line, rear

A rear yard line is a line drawn parallel to a rear lot line at a distance therefrom equal to the depth of a required rear yard.

Yard, rear

A rear yard is a yard extending for the full length of a rear lot line.

Yard, side

A side yard is a yard extending along a side lot line from the required front yard (or from the front lot line if no front yard is required) to the required rear yard (or to the rear lot line, if no rear yard is required). In the case of a corner lot, any yard which is not a front yard shall be considered a side yard.

Chapter 3 Additional Sign Regulations

Any sign permitted by this Ordinance may contain a lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale.

In addition to the regulation of signs found in the definitions, the district regulations, or elsewhere in this Ordinance, the following additional regulations shall apply:

13-01 Building Permit Not Required

A building permit shall not be required for any sign excluded by the definition of a sign in Article I, Chapter 2 herein. However all such signs shall be erected in accordance with the provisions of this Ordinance.

13-02 Prohibited Signs

The following signs are prohibited:

- a. Moving signs or devices, including those that may be set in motion by the atmosphere such as pennants, flags, discs, etc.
- b. Flashing signs.
- c. Signs on public land not authorized by public authority, and signs that obscure a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.
- d. Signs which may obstruct the sight distances at the intersection of any streets or a street and a driveway.
- e. Signs projecting over any lot line.
- f. Illuminated tubing or strings of lights outlining property lines or open sales areas, roof lines, doors, windows, or wall edges of any buildings, provided that perimeter lighting may be used to illuminate open sales areas if such lighting is shielded away from reflecting upon adjoining property or streets.
- g. Signs that use the word "stop" or "danger" or otherwise present or imply the need or requirement

of stopping or caution or the existence of danger or which is a copy of, imitation of, or which for any reason is likely to be confused with, any sign displayed or authorized by public authority.

- h. Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building or other structure.
- i. Signs not expressly permitted by this Ordinance.

13-03

Permit Specifications

Applications for a building permit shall include the following information:

- a. Application date.
- b. Name, address, and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.
- c. Address of the property where the sign will be erected.
- d. Signature of the sign owner and, if different, the owner of the land on which the sign will be displayed.
- e. Location of the sign on the property in relation to lot lines, buildings or other structures, streets or other public rights of way, and intersections.
- f. Type of sign and general description of structural design and construction materials.
- g. Drawings of the proposed sign which shall indicate height, perimeter, and area dimensions, means of support, and method of illumination if any.
- h. Other information deemed necessary by the Zoning Administrator.

Chapter 4 Additional Bulk Regulations

14-01 Virginia Condominium Act

- a. All development shall be undertaken in accordance with the provisions of this Ordinance regardless of the form of ownership thereof.
- b. All condominium developments hereafter constructed shall comply with the provisions of this Ordinance, including the requirements for approval of development plans. Whenever an existing development is to be converted to condominium ownership involving land areas to be held in common, a development plan shall be filed showing the extent and ownership of such holdings. Nothing in this requirement shall be interpreted to abridge rights in a non-conforming use.
- c. A declaration of restrictions to be filed in connection with a development subject to the provisions of this Ordinance shall comply with the provisions of the Virginia Condominium Act that are not in conflict with the provisions of this Ordinance.

14-02 Front Yards

- a. Required front yards for through lots shall be provided on each street.
- b. Where 20 to 50 percent of the street frontage in a block is developed, the minimum front yard for a new use shall be the average of the existing front yards on either side of the lot in question, but not less than 15 feet. Where more than 50 percent of the street frontage is developed with no front yard, none shall be required of a new use.

14-03 Accessory Buildings and Other Structures and Other Uses

- a. Automotive service station pumps and pump islands, with or without a canopy may project into required yards, but not closer than 15 feet to street lines.
- b. Open accessory swimming pools may project into a required side or rear yard in accordance with the definition of accessory use in Article 1, Chapter 2 herein. A walk space at least three feet wide

shall be provided between pool walls and protective fences or barrier walls.

- c. Except as otherwise provided, an ornamental fence or wall not more than three and one-half feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven feet. On every corner lot in an agricultural or residence district within a triangle formed by the street lines on such lot and a line drawn between two points, each 20 feet from the point of intersection of such street lines, there shall be no fence or wall higher than three feet, nor any other obstruction to vision between a height of three feet and a height of ten feet above the established grade of either street. This provision shall not be interpreted to prohibit the erection of an open-mesh type security fence enclosing any school or playground site or business or industrial activity.
- d. Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a rear yard, provided such accessory buildings do not occupy more than 30 percent of the area of the required rear yard and provided they are not located closer than eight feet to any lot line.
- e. Satellite dish antennas and similar devices may project into a rear yard only. In residence districts, (a) there shall be a limit of one such device on each lot, and (b) which shall not exceed 10 feet in diameter and 125 feet in height. If such a device is mounted on a roof and visible from the street on which the building fronts, its diameter shall not exceed two feet.
- f. The parking or storage of major recreational equipment, including, but not limited to, travel trailers, utility trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, amphibious houseboats, or similar equipment normally used for recreational purposes shall be permitted as an accessory use

in all residence districts, as regulated by Section 14-03d above and provided that:

- (1) Such equipment shall not exceed 28 feet in length, eight feet in width, and 10 feet in height, exclusive of masts, antennas, vent-stacks, windshields, or other accessories; and
- (2) Such equipment shall not be used for living, sleeping, housekeeping or business purposes, nor shall such equipment be connected to any utility service, except when servicing or repairing the equipment.
- (3) Development plans for residential developments which provide common parking areas, such as townhouse or apartment developments, shall show special provisions made for storage and screening of storage areas for major recreational equipment.
- (4) In a residence district, such equipment shall be parked or stored in the rear yard only.

Chapter 5 Development Plan Review

In all cases the development plan review begins with the Zoning Administrator. Where a subdivision is also involved, the review of subdivision plans and development plans will be coordinated under the provisions of this Article and the requirements of the Subdivision Ordinance. Generally, approval is required first for preliminary plans and conditions attached thereto.

Where a project is large enough that accomplishment by stages is appropriate, the development plan will generally be subject to preliminary and final approval with plans in three forms: 1) general development plan for the overall project, which is called an overall project design; 2) detailed plans for development units or stages as they are to be developed; 3) detailed engineering drawings for development units as they are to be developed. An overall project design would include generally the same items as specified for preliminary development plans but with detail modified as appropriate to the scale of the project.

The provisions of this Chapter shall not apply to applications for a building permit involving one single or two family dwelling.

15-01

Purpose

The purpose of review is to promote the orderly development of the County by means of improved project design which will insure that new development is appropriately functional, harmonious with its environment, consistent with the Comprehensive Plan, and the intent of this Ordinance, and to this end to provide for a review of proposed development plans with respect to:

- a. The compatibility of the development and its environment and the layout and design of features which may affect compatibility, such as building location, open space, grading, the treatment of slopes, stream valleys, yards, screening, lighting and landscaping.
- b. The capacity of the design to provide for convenient and safe internal and external movement of vehicles and pedestrians.
- c. The protection of public safety and the location and adequacy of necessary utilities, drainage, and erosion and sediment controls.

Preliminary Development Plans

The preliminary development plans shall be clearly drawn to scale as specified below and shall show the following:

- a. The proposed title of the development, the name of the land owner, engineer, architect, designer, landscape architect, and developer.
- b. The north point, scale, and date.
- c. The location of the development by an insert map at a scale of not less than one inch equals two thousand feet, indicating the scale, the north arrow, and such information as the names and numbers of adjoining roads, streams, and bodies of water, subdivisions, County limits, or other landmarks sufficient to clearly identify the location of the lot.
- d. Existing zoning and district boundaries and proposed changes in zoning, if any.
- e. The boundaries of the lot involved, the general location of all existing easements and property lines, existing streets, buildings and other structures, waterways, flood plains, major tree masses, and other existing physical features in or adjoining the development.
- f. Uses of adjoining properties and the names of owners.
- g. Topography of the development area with contour intervals of two feet or less, unless waived by Zoning Administrator as clearly unnecessary.
- h. The approximate location and sizes of sanitary storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project.
- i. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including numbers of off street parking and loading spaces), outdoor lighting systems, storm drainage, and sanitary facilities.

- j. The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
- k. The location and number of floors, number of dwelling units and approximate height of all proposed buildings and other structures, and major excavations.
- l. Preliminary plans and elevations of the dwelling types and other buildings or other structures as may be necessary.
- m. The general location, height, and material of all fences, walls, screen planting, and landscaping.
- n. The general location, character, size, height, and orientation of proposed signs.
- o. A tabulation of the total number of dwelling units of various types and the overall density in dwelling units per acre, gross or net as required by district regulations.

The Zoning Administrator may establish additional requirements for a preliminary development plan, and, in special cases, may waive a particular requirement if the inclusion of that requirement is not essential to a proper decision. Development plans may be prepared on one or more sheets to show clearly the information required by this Chapter and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall indicate where the several sheets join. Each plan sheet shall reserve a blank space three inches wide and five inches high for the use of the approving authority. Development plans shall be prepared to a scale of one inch equals fifty feet, or such other scale as may be approved by the Zoning Administrator as appropriate to a particular case.

15-03

Final Development Plans

The final development plan shall comply with all laws, regulations and ordinances governing the approval of subdivisions and in addition shall show the following:

- a. All of the features required on the preliminary development plan with sufficiently accurate dimensions, construction specifications and computations to support the issuance of construction permits.

- b. All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types, and grades and where connection is to be made to a utility system.
- c. Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of the County indicating the location, sizes, types, and grades of ditches, catch basins and pipes, connections to existing drainage system, and provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
- d. Existing topography with two-foot contour intervals or such intervals as approved by the Zoning Administrator. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary, but not more than fifty feet apart in both directions.
- e. Proposed finished grading by contours supplemented where necessary by spot elevations.

15-04

Procedures for Review

- a. The following guidelines shall be used in reviewing a development plan:
 - (1) Compliance with the provisions of this Ordinance.
 - (2) The impact of internal and external traffic and circulation patterns and the relationship to major thoroughfares.
 - (3) The impact of existing or proposed surrounding development.
 - (4) The impact on the natural environment, including the preservation of trees.
 - (5) The relationship to utilities, drainage, flood plains, existing or proposed community facilities.
 - (6) The preservation of historic sites.

- (7) Provision for screening, landscaping, open space.
- b. The Zoning Administrator may approve the development plan, or submit the plan for review, public hearing, and recommendation to the Commission. The application for a building permit and the development plan shall be acted upon within 15 days of submittal to the Zoning Administrator or of a final decision by the Commission.
- c. The applicant shall submit written proof of notification to all adjoining property owners concerning the nature of the proposal and where plans may be viewed. No plan shall be approved in less than five days of any such notice.
- d. Nothing in this Section shall be interpreted to permit a grant of a variance or exception to the provisions of the Ordinance or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.

15-05 Temporary Development Plans

A temporary development plan may be approved by the Zoning Administrator for a period not to exceed one year, where development is in progress and all buildings or other structures are of a temporary nature. The drainage, erosion, and sediment control practices, parking, screening, fencing, services, and utility requirements of this Ordinance may be modified for the purpose of a temporary plan.

Prior to the approval of such temporary development plan, a cash bond or letter of credit approved by the County Attorney, may be required to guarantee that all buildings and other structures erected under the plan will be removed at the expiration of the period for which the permit was issued.

Items to be shown on a temporary development plan shall be the same as those required for preliminary plans under Section 15-04 above unless waived by the Zoning Administrator.

15-06 Amendments to Approved Development Plans

The Commission, upon the recommendation of the Zoning Administrator, may approve amendments to an approved

development plan at a regular meeting and without public hearing provided that the amendment:

- a. Does not alter a recorded plat,
- b. Does not conflict with the provisions of this Ordinance,
- c. Does not change the general character or content of an approved development plan or use,
- d. Has no appreciable effect on adjoining or surrounding property,
- e. Does not result in any substantial change of major external access points,
- f. Does not increase the approved number of dwelling units or height of buildings, and,
- g. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

15-07

Guaranteed Performance

Prior to approval of a building permit, the owner or developer shall execute an agreement to construct the required physical improvements that are located within public rights-of-ways or easements, or connected to any public facility as approved by the County. The Zoning Administrator may require a bond with surety or conditions acceptable to the County Attorney in the amount of the estimated cost of the required physical improvements as determined by the government agencies responsible for such improvements. The aforesaid agreement, bond, or conditions shall be provided for the completion of all work covered thereby, maintenance thereof or for subsequent defects therein, within a time to be determined by the Zoning Administrator. Such time may be extended by the Zoning Administrator upon written application by the owner or developer, and signed by all parties (including sureties) to the original agreement. The adequacy, conditions, and acceptability of any bond hereunder shall be determined by the County Attorney.

15-08

Expiration and Extension of Approval

Approval of a development plan submitted under the provisions of this Chapter shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith.

A single one-year extension may be given upon written request of the applicant to the Zoning Administrator made within ninety days of the expiration of the approved development plan. The Zoning Administrator shall acknowledge the request and make a decision regarding the requested extension within thirty days after receipt of the request.

15-09 Right to Continue Project Development

Subject to the time limits and conditions specified in this Ordinance, the rights to continue a project for which a development plan has been approved shall not be abridged so long as there is reasonable progress towards completion in accordance with the terms of the approval.

15-10 Inspection and Supervision of Improvements

- a. One set of approved plans, profiles and specifications shall be available at the site at all times when work is being performed. A designated, responsible employee shall be available for contact by County officials.
- b. The Zoning Administrator shall inspect the installation of improvements within a reasonable time after a formal request for inspection. If the improvements have been satisfactorily installed, the Zoning Administrator shall authorize the release of any bond furnished to guarantee installation. Such approval by the Zoning Administrator shall not bind the County to accept the improvements for its maintenance, repair, or operation.

ARTICLE II AGRICULTURAL DISTRICTS

Chapter 1 . AC-Agricultural Conservation District

21-01 Purpose

Agricultural Conservation Districts include prime agricultural lands where active farms and forests are the predominant use of land. Moreover, because of soil conditions, topography and other physical features, agricultural use is encouraged to protect the economic base of the County and guard against environmental degradation. Such a district is also created to protect surface and ground water and to preserve agricultural and forestal lands. To achieve these goals, residential development is discouraged.

21-02 Permitted Uses

Only the following uses shall be permitted in an AC district subject to the provisions of Article I, Chapter 5, Development Plan Review, and Article VIII, Chapter 2, Chesapeake Bay Preservation District, herein, and except as provided for cluster and planned development herein, the provisions of Article IV, Design Standards, of the Richmond County Subdivision Ordinance shall apply.

- a. Agriculture, including horticulture, silviculture, viticulture, orchards, floriculture, dairying, and pasturage.

Agricultural and forestry management activities must incorporate the application of Best Management Practices (BMPs) in a plan approved by the local Soil and Water Conservation District or the Virginia Department of Forestry.

Agricultural use shall not include commercial slaughtering or processing of animals or the confinement of large numbers of animals in any enclosure. Enclosed pasturage or range of not more than 10 adult animals per acre for not more than 120 continuous days may be permitted.

- b. Game preserves, wildlife sanctuaries, and fishery uses.
- c. Single-family dwellings, detached.
- d. Accessory uses.

- e. Home occupations.
- f. Off-street parking, subject to the provisions of Article IX herein.
- g. Accessory signs as follows, and subject also to the provisions of Article I, Chapter 3 herein.
 - (1) One nameplate with indirect illumination and with an area not exceeding one square foot for single family dwellings and home occupations.
 - (2) One non-illuminated "for sale" or "for rent" sign with an area not exceeding four square feet.
 - (3) One identification sign with indirect illumination for all other permitted uses with an area not exceeding 20 square feet.
 - (4) Non-illuminated security and warning signs without limitation as to number, but with an area not exceeding one square foot.
 - (5) One non-illuminated sign erected in connection with new construction and displayed only during the time that actual construction is in progress, with an area not exceeding 20 square feet.
 - (6) One non-illuminated sign identifying the entrance and exit to a permitted use with an area not exceeding 6 square feet.
 - (7) Maximum height shall be 10 feet above finished grade level, and in no case above the roof line if affixed in any manner to the wall of a building or structure.
 - (8) Signs shall not project beyond a lot line, and not more than 12 inches when affixed in any manner to the wall of a building or other structure.
- h. The construction and maintenance of non-commercial catwalks, piers, fences, and duckblinds, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide in tidal areas, or natural flow in

non-tidal areas, and to preserve the natural contour of marshes, swamps and water courses.

- i. Non-commercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, and skeet and trap shooting; provided that no structure shall be constructed except as permitted in paragraph h of this Section 21-02. Hunting and shooting activities shall take place at least 1000 feet from a street line. Hunting activities may include the keeping of dogs in enclosures at least 500 feet from a dwelling.
- j. Conservation, repletion, education, and research activities of the Virginia Marine Resources Commission, the Virginia Institute of Marine Science, the Commission of Game and Inland Fisheries, and other related conservation agencies.
- k. The normal maintenance, repair, or addition to existing roads, highways, or the facilities of any person, firm, corporation, utility, or government abutting on or crossing wetlands or swamps, provided that no waterway is altered and no additional wetlands or swamps are covered or drained.
- l. The normal maintenance of existing man-made drainage ditches, provided that no additional wetlands or swamps are covered or drained and provided further that this paragraph shall not be deemed to authorize construction of any drainage ditch.
- m. Aquaculture, subject to the provisions of Article I, Chapter 5, Development Plan Review, herein.

21-03

Bulk Regulations

The following bulk regulations shall apply in an AC district subject also to the provisions of Article I, Chapter 8 herein:

- a. Minimum lot area for all uses shall be 20 acres.
- b. Minimum lot width for a single-family dwelling shall be 500 feet. Waterfront lots shall provide an equivalent lot width measured along the waterbody, beach, or wetland unless otherwise

approved as a part of a cluster or planned development or subdivision.

- c. Minimum front yard for all uses shall be 100 feet.
- d. Minimum side yards for all uses shall be 70 feet.
- e. Minimum rear yard for all uses shall be 100 feet.
- f. Minimum spacing between buildings or other structures shall be equal to the height of the adjacent tallest building or other structure or the required yard dimensions, whichever is greater.
- g. Maximum density for single-family dwellings shall be 20 acres per dwelling unit.
- h. Maximum height for a single-family dwelling shall be 35 feet; and 45 feet for all other permitted buildings or other structures, except signs.
- i. Cluster development of single family dwellings shall be in accordance with the provisions of Article I, Chapter 5, Development Plan Review, herein, and the appropriate provisions of the County Subdivision Ordinance. Cluster developments shall have:
 - (1) a minimum lot area of 60 acres.
 - (2) a minimum lot width of 150 feet, and
 - (3) a maximum density of 1 dwelling unit per 20 acres, however each dwelling unit may have a minimum lot area of 1 acre.
- j. Permitted obstruction in yards shall include:
 - (1) unenclosed porches, terraces, open decks, uncovered steps, fire escapes, planting boxes, balconies, or air conditioning units and the like, and may project not more than 6 feet;
 - (2) cornices, awnings, canopies, and the like if at least 10 feet above finished grade level, may project not more than 3 feet;
 - (3) sills, leaders, belt courses, and the like and may project not more than 12 inches;

- (4) bay windows, chimneys, and the like and may project not more than 3 feet;
- (5) accessory signs, but at least 10 feet from any lot line;
- (6) accessory uses in accordance with the definition of accessory use in Article I, Chapter 2 herein; and
- (7) the use of land in accordance with the provisions of Article I, Chapter 4, Additional Bulk Regulations, herein.

Chapter 2 GA - General Agricultural District

22-01 Purpose

The General Agricultural District is designed to encourage existing and future agricultural and forestry operations, to provide for the preservation of agricultural and forestal lands, and preserve the natural beauty of rural areas of the County. The district is also intended to provide for spacious residential development and to protect this development where it occurs, but to foster a dispersed residential development pattern which will reduce conflicts with agriculture, maintain the rural appearance of the countryside, reduce traffic hazards on County roads, and have limited needs for public services. Moreover, the location of these districts are designed to protect the quality of surface and ground water.

22-02 Permitted Uses

Only the following uses shall be permitted in a GA district subject to the provisions of Article I, Chapter 5, Development Plan Review, and Article VIII, Chapter 2, Chesapeake Bay Preservation District, herein, and except as provided for cluster and planned development herein, the provisions of Article IV, Design Standards, of the Richmond County Subdivision Ordinance should apply.

- a. Agriculture, including horticulture, silviculture, viticulture, orchards, floriculture, dairying, and pasturage.

Agricultural and forestry management activities must incorporate the application of Best Management Practices (BMPs) in a plan approved by the local Soil and Water Conservation District or the Virginia Department of Forestry.

Agricultural use shall not include commercial slaughtering or processing of animals or the confinement of large numbers of animals in any enclosure. Enclosed pasturage or range of not more than 10 adult animals per acre for not more than 120 continuous days may be permitted.

- b. Game preserves, wildlife sanctuaries, and fishery uses.
- c. Single family dwellings, detached.

- d. Accessory uses.
- e. Home occupations.
- f. Off-street parking, subject to the provisions of Article IX, herein.
- g. Accessory signs as follows, and subject also to the provisions of Article I, Chapter 3, herein:
 - (1) One nameplate with indirect illumination and with an area not exceeding one square foot for single family dwellings and home occupations.
 - (2) One non-illuminated "for sale" or "for rent" sign with an area not exceeding four square feet.
 - (3) One identification sign with indirect illumination for all other permitted uses including subdivisions with an area not exceeding 20 square feet.
 - (4) Non-illuminated security and warning signs without limitation as to number but with an area not exceeding one square foot.
 - (5) One non-illuminated sign erected in connection with new construction, and displayed only during the time that actual construction is in progress, with an area not exceeding 20 square feet.
 - (6) One non-illuminated sign identifying the entrance and exit to a permitted use with an area not exceeding 8 square feet.
 - (7) Maximum height shall be 10 feet above finished grade level, and in no case above the roof line if affixed in any manner to the wall of a building or other structure.
 - (8) Signs shall not project beyond a lot line, and not more than 12 inches when affixed in any manner to the wall of a building or other structure.
- h. The construction and maintenance of non-commercial catwalks, piers, fences, and duckblinds, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of

the tide in tidal areas, or natural flow in non-tidal areas, and to preserve the natural contour of marshes, swamps, and water courses.

- i. Non-commercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, and skeet and trap shooting; provided that no structure shall be constructed except as permitted in paragraph h of this Section 22-02. Hunting and shooting shall take place at least 1000 feet from a street line. Hunting activities may include the keeping of dogs in enclosures at least 500 feet from a dwelling.
- j. Conservation, repletion, education and research activities of the Virginia Marine Resources Commission, the Virginia Institute of Marine Science, the Commission of Game and Inland Fisheries, and other related conservation agencies.
- k. The normal maintenance, repair, or addition to existing roads, highways, or the facilities of any person, firm, corporation, utility, or government abutting on or crossing wetlands or swamps, provided that no waterway is altered and no additional wetlands or swamps are covered or drained.
- l. The normal maintenance of existing man-made drainage ditches, provided that no additional wetlands or swamps are covered or drained and provided further that this paragraph shall not be deemed to authorize construction of any drainage ditch.
- m. Horse riding and boarding stables, provided that every building or other structure is at least 500 feet from a residence use.
- n. Nurseries and greenhouses, provided that products sold are raised or produced on the premises.
- o. Sawmills only for timber grown on the same premises. Open storage, buildings or other structures shall be located at least 500 feet from all lot lines. Only one saw shall be operated at any one time with a blade not exceeding 48 inches in diameter. A maximum of three persons may be employed. The days and hours of the operation shall be approved by the Zoning Administrator

considering any adverse impact of the sawmill operation on adjoining and surrounding lots.

- p. Wayside stands for the sale of agricultural products produced on the premises. The stand shall not exceed 200 square feet in floor area, nor be closer than 35 feet to the front lot line and 100 feet from all other lot lines.
- q. Public utility distribution and service facilities.
- r. Radio and TV transmission or receiving towers. The tower shall be so located that its minimum distance from any lot line will equal the maximum height of the tower above ground level.
- s. Aquaculture, subject to the provisions of Article I, Chapter 5, Development Plan Review, herein.

22-03

Bulk Regulations

The following bulk regulations shall apply in a GA district, subject also to the provisions of Article I, Chapter 4 herein:

- a. Minimum lot area for all uses shall be 5 acres.
- b. Minimum lot width for a single family dwelling shall be 300 feet. Waterfront lots shall provide an equivalent lot width measured along the water body, beach, or wetland unless otherwise approved as part of a cluster or planned development or subdivision.
- c. Minimum front yard for all uses shall be 100 feet.
- d. Minimum side yards for all uses shall be 70 feet for each side yard.
- e. Minimum rear yard for all uses shall be 100 feet.
- f. Minimum spacing between buildings or other structures shall be equal to the height of the of the adjacent tallest building or other structure or the required yard dimensions, whichever is greater.
- g. Maximum density for single family dwellings shall be 5 acres per dwelling unit.

- h. Maximum height for single family dwelling shall be 35 feet and 45 feet for all other permitted buildings or other structures, except signs.
- i. Cluster development of single family dwellings shall be in accordance with the provisions of Article I, Chapter 5 of this Ordinance, Development Plan Review, and the appropriate provisions of the County Subdivision Ordinance. Cluster developments shall have:
 - (1) a minimum lot area of 20 acres.
 - (2) a minimum lot width of 150 feet, and
 - (3) a maximum density of 1 dwelling unit per 5 acres, however each dwelling unit may have a minimum lot area of 1 acre.
- j. Permitted obstruction in yards shall include:
 - (1) unenclosed porches, terraces, open decks, uncovered steps, fire escapes, planting boxes, balconies, or air conditioning units, and the like, and may project not more than 6 feet;
 - (2) cornices, awnings, canopies, and the like if at least 10 feet above finished grade level, and may project not more than 3 feet;
 - (3) sills, leaders, belt courses, and the like, and may project not more than 2 inches;
 - (4) bay windows, chimneys, and the like, and may project not more than 3 feet;
 - (5) accessory signs, but at least 10 feet from any lot line;
 - (6) accessory uses in accordance with the definition of accessory use in Article I, Chapter 2 herein; and
 - (7) the use of land in accordance with the provisions of Article I, Chapter 4, Additional Bulk Regulations, herein.

Chapter 3 RA Rural Agricultural District

23-01 Purpose

The Rural Agricultural District is designed to promote compatible development of agricultural uses, residential uses, and uses associated with them at densities higher than those permitted in other districts. These districts are located in areas with access to major highways and provide a logical transition from agricultural to residential use.

23-02 Permitted Uses

Only the following uses shall be permitted in a RA district subject to the provisions of Article I, Chapter 5, Development Plan Review and Article VIII, Chapter 2, Chesapeake Bay Preservation District, herein, and except as otherwise provided for cluster and planned development herein, the provisions of Article IV, Design Standards, of the Richmond County Subdivision Ordinance shall apply.

- a. Agriculture, including horticulture, silviculture, viticulture, orchards, floriculture, dairying, and pasturage.

Agricultural and forestry management activities must incorporate the application of Best Management Practices (BMPs) in a plan approved by the local Soil and Water Conservation District or the Virginia Department of Forestry.

Agricultural use shall not include commercial slaughtering or processing of animals or the confinement of large numbers of animals in any enclosure. Enclosed pasturage or range of not more than 10 adult animals per acre for not more than 120 continuous days may be permitted.

- b. Game preserves, wildlife sanctuaries, and fishery uses.
- c. Single-family or two family dwellings.
- d. Accessory uses.
- e. Home occupations.
- f. Off-street parking, subject to the provisions of Article IX, herein.

- g. Accessory signs as follows, and subject also to the provisions of Article I, Chapter 3 herein:
- (1) One nameplate with indirect illumination and with an area not exceeding one square foot for dwellings and home occupations.
 - (2) One non-illuminated "for sale" or "for rent" sign with an area not exceeding four square feet.
 - (3) One identification sign with indirect illumination for all other permitted uses including subdivisions with an area not exceeding 20 square feet.
 - (4) Non-illuminated security and warning signs without limitation as to number, but with an area not exceeding one square foot.
 - (5) One non-illuminated sign erected in connection with new construction and displayed only during the time that actual construction is in progress, with an area not exceeding 20 square feet.
 - (6) One non-illuminated sign identifying the entrance and exit to a permitted use with an area not exceeding 8 square feet.
 - (7) Maximum height shall be 10 feet above finished grade level, and in no case above the roof line if affixed in any manner to the wall of a building or other structure.
 - (8) Signs shall not project beyond a lot line, and not more than 12 inches when affixed in any manner to the wall of a building or other structure.
- h. The construction and maintenance of non-commercial catwalks, piers, fences, and duckblinds, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide in tidal areas, or natural flow in non-tidal areas, and to preserve the natural contour of marshes, swamps, and water courses.
- i. Non-commercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, and skeet and trap shooting; provided that no

structure shall be constructed except as permitted in paragraph h of this Section 23-02. Hunting and shooting activities shall take place at least 1000 feet from a street line. Hunting activities may include the keeping of dogs in enclosures at least 500 feet from a dwelling.

- j. Conservation, repletion, education, and research activities of the Virginia Marine Resources Commission, the Virginia Institute of Marine Science, the Commission of Game and Inland Fisheries, and other related conservation agencies.
- k. The normal maintenance, repair, or addition to existing roads, highways, or the facilities of any person, firm, corporation, utility, or government abutting on or crossing wetlands or swamps, provided that no waterway is altered and no additional wetlands or swamps are covered or drained.
- i. The normal maintenance of existing man-made drainage ditches, provided that no additional wetlands or swamps are covered or drained and provided further that this paragraph shall not be deemed to authorize construction of any drainage ditch.
- m. Planned developments as regulated by the provisions of this Chapter and of Article VII herein.
- n. Places of worship with a maximum lot area of 3 acres.
- o. Manufactured homes.
- p. Publicuses, such as schools (kindergarten through 9th grade), parks, museums, libraries, playgrounds, boat landings, police and fire stations, community centers, and non-commercial clubs.
- q. Nursing homes, convalescent homes, nursery schools, group homes for the developmentally disabled, and family day care facilities provided that such uses have a minimum lot area of 5 acres.
- r. Horse riding and boarding stables, provided that every building or other structure is at least 500 feet from a residence use.

- s. Nurseries and greenhouses, provided that products sold are raised or produced on the premises.
- t. Sawmills only for timber grown on the same premises. Open storage, buildings or other structures shall be located at least 500 feet from all lot lines. Only one saw shall be operated at any one time with a blade not exceeding 48 inches in diameter. A maximum of three persons may be employed. The days and hours of the operation shall be approved by the Zoning Administrator considering any adverse impact of the sawmill operation on adjoining and surrounding lots.
- u. Wayside stands for the sale of agricultural products produced on the premises. The stand shall not exceed 200 square feet in floor area, nor be closer than 35 feet to the front lot line and 100 feet from all other lot lines.
- v. Public utility distribution and service facilities.
- w. Radio and TV transmission or receiving towers. The tower shall be so located that its minimum distance from any lot line will equal the maximum height of the tower above ground level.
- x. Excavation of clay, gravel, sand, and the removal of top soil when in conjunction with excavation of permitted materials may be permitted for a term not exceeding 10 years and provided that:
 - (1) the excavation area does not exceed 50 acres,
 - (2) is located at least 1000 feet from any adjoining lot line of a similar operation, and 200 feet from any other lot line,
 - (3) the Zoning Administrator or the Commission, as the case may be, finds that such use is so located as not to impair the essential character of the surrounding area, and provided that the following conditions are met:
 - (a) That the applicant's development plan shows the proposed extent and depth of the area to be excavated, together with certification of having met all requirements of the Code of Virginia,

ARTICLE IX OFF-STREET PARKING AND LOADING

Chapter 1 Off-Street Parking

91-01 Application

All uses of land, buildings or other structures established in any manner after the effective date of this Ordinance shall provide accessory off-street parking in accordance with the provisions of this Article.

When an existing use of land, building, or other structure is expanded or enlarged, accessory off-street parking shall be provided for the entire use, building, or other structure as expanded or enlarged.

Where fractional spaces result, the required number of off-street parking spaces shall be construed to be the next highest whole number.

91-02 Required Spaces - Residential Uses

Minimum required accessory off-street parking spaces shall be provided as follows:

<u>Use</u>	<u>Spaces Required</u>
Single or two-family dwelling, detached	1 per dwelling unit plus 1 per roomer
Single or two-family dwelling, attached	2 per dwelling unit plus 1 per roomer
Multiple dwelling	2 per dwelling unit, plus 1% of the required spaces for handicapped, 1 space minimum
Housing for the elderly	.5 per dwelling unit, plus 1 for each employee on the major shift
Nursing, Convalescent, family day care facilities, or group homes	1 per 3 residents, plus 1 per employee

91-03

Required Spaces - Public or Community Uses

Minimum required accessory off-street parking spaces shall be provided as follows:

<u>Uses</u>	<u>Spaces Required</u>
Places of worship	1 per 5 seats or bench places in the principal place of worship
School, elementary, middle or junior high school	1 per employee including faculty, plus 6 for visitors
High school	1 per 5 students, plus 1 per employee including faculty, plus 6 for visitors
College or university	1 per employee including faculty, plus 1 per 4 students
Cultural center, museum, library, or community center	1 per 300 square feet of gross floor area, plus 1 per employee
Hospital	2 per patient bed, plus 1 per employee on a major shift, plus 1 per doctor
Dormitories, fraternities, sororities, clubs with sleeping rooms	2 per 3 sleeping accommodations plus 1 for each employee
Non-commercial clubs-civic, fraternal, and similar facilities	1 per 3 members
Public utility facilities	1 per employee on a major shift, plus 1 per company vehicle
Community swimming pool	1 per 4 persons lawfully permitted in the pool at one time, plus 1 per employee

Tennis club	4 per court plus 1 per employee
Country club	1 per 3 members based on maximum anticipated membership

91-04

Required Spaces - Retail Uses

Minimum required accessory off-street parking spaces shall be provided as follows:

Hotel, motel, tourist home and similar facilities	1 per guest room, plus 1 per employee
Medical office, clinic	5 per 1000 square feet of gross floor area
Offices, general; post office	1 per 300 square feet of gross floor area; 3 spaces minimum
Repair service facilities, including automobile, machinery, boat, and equip- ment sales and service	1 per 300 square feet of gross floor area, plus 1 per employee
Veterinary hospital	1 per 400 square feet of gross floor area, plus 1 per employee or professional; 4 spaces minimum
Personal service facility	1 per 200 square feet of gross floor area
Theatre, auditorium, stadium and similar facilities	1 per 3 seats or seating accommodation
Car wash	4 per bay, plus 1 per employee, plus 10 stacking spaces per bay
Retail sales, except furniture and carpet	1 per 200 square feet of gross floor area, plus 1 per employee
Quick-service food	1.5 per 200 square feet of gross floor area

Furniture, carpet, appliance store	1 per 400 square feet of gross floor area, plus 1 per employee
Eating places:	
Fast food-table service	1 per 2 seats
Fast food-no seating	1 per 60 square feet of net floor area, minimum 6 spaces
Fast food-drive-in	1 per 2 seats, plus 10 stacking spaces for the drive-in window, with a minimum of 5 such spaces designated for the ordering station. Such spaces shall be designed so as not to impede pedestrian or vehicular circulation on the site or any abutting street
Other eating facilities	1 per 3 seats, plus 1 per 2 employees
Banks	1 per 200 square feet of gross floor area
Drive-in banks	1 per 200 square feet of gross floor area plus 8 stacking spaces in front of the first window and 2 in front of each additional window
Bowling alley	4 per alley, plus 1 per employee
Commercial swimming pool	1 per 4 persons lawfully permitted in the pool at one time, plus 1 per employee
Other recreational facilities	1 per 100 square feet of floor area, plus 1 per employee

Automotive service station	3 per service bay, plus 1 per employee, minimum 5 spaces
Vehicle service and repair facilities	2 per service bay, plus 1 per 200 square feet of net floor area, plus 1 per employee
Vehicle sales, rental, and service facilities	1 per 400 square feet of enclosed sales and rental gross floor area, plus 1 per 2500 square feet of open display area, plus 2 per service bay, plus 1 per employee, minimum 5 spaces
Funeral home	1 per 50 square feet of assembly, office, and sales area, plus 1 per employee, plus 1 for each company vehicle
Outdoor sales facilities, except vehicular	1 per 500 square feet of open sales and display area, plus 1 per employee
Shopping center	5 per 1000 square feet of gross floor area

91-05 **Required Spaces - Industrial**

Minimum required accessory off-street parking shall be provided as follows:

<u>Use</u>	<u>Spaces Required</u>
Industrial facility for production, processing assembly, compounding, servicing, testing, repair or storage of materials or products, and accessory business offices	1 per employee on a major shift, plus 1 per company vehicle or mobile equipment
Mini-warehouse facility	1 per employee, plus 1 per 5 storage areas

Warehouse, lumber or building material yard, and similar storage

1 per employee on a major shift, plus 1 per company vehicle, plus 1 per 400 square feet of gross floor area

91-06

Required Spaces - Handicapped

- a. For nonresidential uses, minimum accessory off-street parking spaces for the handicapped shall be provided as follows:

<u>Required</u>	<u>Handicap Spaces Required</u>
0 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
100 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of the total
over 1000	20 plus 1 for each 100 over 1,000

For parking lots with 5 or less spaces, a 5 foot wheelchair access aisle shall be provided adjacent to a regular space, however, it need not be designated by signage. Handicap spaces in parking lots with 6 or more spaces must meet the signage requirements set forth in the Virginia Statewide Building Code.

91-07

Joint Use and Off-Site Facilities

All required off-street parking spaces shall be located on the same lot as the use to which they are accessory or on a lot contiguous thereto which has the same zoning classification and is under the same ownership. Where there are practical difficulties or if the public safety or public convenience would be better served by another location, the Board, acting upon a specific application, may authorize such alternative location if:

- a. such required spaces are located on land in the same ownership as that of the land on which is located the use to which such space is accessory or, in the case of the cooperative provision of parking spaces, in the ownership of at least one of the participants in the combination, and

- b. such required spaces are located within 300 feet walking distance of the entrance to the use that such spaces serve.

91-08 **Cooperative Parking Arrangements**

Required off-street parking spaces may be provided cooperatively for two or more uses, subject to legally binding arrangements that will assure the permanent availability of such spaces.

The amount of such combined space shall equal the sum of the amounts required for the separate uses, except that the Board, acting upon a specific application, may reduce the total number of required spaces upon a finding that the same spaces may adequately serve 2 or more uses by reason of the hours of operation of such uses.

91-09 **Size of Space**

An accessory off-street parking space shall be at least 200 square feet in area (10 x 20 feet) and a handicap space at least 216 square feet in area (12 x 18 feet) exclusive of aisle space and driveways, and shall be connected to a street or alley by a paved driveway which provides egress and ingress for a vehicle without requiring another vehicle to be moved.

91-10 **Location of Parking**

- a. Except as otherwise provided in this Ordinance, off-street parking spaces that are located on the ground and are open to the sky may be located in any required yard but not nearer to any front, side or rear lot line than ten feet. In residence districts, parking shall not be permitted in a required front yard.
- b. Parking structures shall be subject to the minimum yard requirements applicable in the zoning district in which located. Parking structures that are completely underground may be located in any required yard, but not closer than one foot to any lot line.
- c. The parking of any commercial vehicle in any residence district is prohibited. A commercial vehicle of not more than two and one-half tons capacity (not to exceed manufacturer's gross weight rating of 16,000 pounds GVW may be parked

in an enclosed garage. A commercial vehicle of one ton capacity or less (not to exceed manufacturer's gross weight rating of 10,000 pounds GVW) may be parked to the rear of the rear line of a main building in any residence district.

91-11

Performance Standards

Off-street parking spaces shall be designed and constructed in accordance with the following provisions:

- a. All parking facilities shall be used only for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with any required off-street parking facilities.
- b. The minimum aisle space for 90 degree parking shall be 26 feet in width. The minimum aisle space for 60 degree parking shall be 23 feet in width. The minimum aisle space for 45 degree parking shall be 20 feet in width. The minimum aisle space for 30 degree parking shall be 17 feet in width. The aisle width of any parking area that the degree of angular parking varies from the above, shall be calculated by using a ratio of the specifications set forth above. In no case shall the aisle width be less than 16 feet. The Zoning Administrator may impose reasonable additional requirements for fire lanes, loading zones and travel ways in a particular case.
- c. The ground surface shall be paved with a durable, dustfree and hard material, such as surface and seal treatment, bituminous hot mix or portland cement concrete or some comparable material. Such paving shall be maintained for safe and convenient use at all times.
- d. Fixed and permanent wheel bumpers or curbs of concrete or some comparable material at least four inches high shall be installed for each space so that vehicles cannot encroach upon any public right-of-way, or adjoining lot. Parking spaces shall be delineated and periodically restored to maintain a clear identification of separate parking stalls.
- e. The location and design of entrances and exits shall afford maximum safety, and conform to the applicable regulations and standards of the Virginia Department of Transportation. Accord-

ingly, there shall be one entrance and one exit, or one combined entrance and exit, along any one street; exits and entrances shall not be located within 50 feet of a street intersection. Exits and entrances shall not exceed 50 feet in width.

- f. The lot shall be drained to eliminate standing water and prevent damage to abutting property, public streets, and alleys. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at all times.
- g. Adequate lighting shall be provided if parking facilities are to be used at night. Lighting facilities shall be arranged and installed, and the light source shielded, to minimize glare on adjacent property or streets and no lighting fixture shall exceed a height of 30 feet in retail and industrial districts and 15 feet in all other districts.
- h. All parking lots shall be arranged for functional efficiency and convenience and in general shall be designed to present a pleasing appearance so as to reduce adverse impact on surrounding public or private property.

91-12

Screening

All open off-street parking facilities which are located either at natural grade or on a roof, shall be screened from all adjoining lots, including such lots situated across a street, by either:

- a. A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or
- b. A wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open. In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto except one whose area does not exceed two square

feet designating the entrance or exit to the facility. Such sign shall not exceed six feet in height above street level.

Chapter 2 Off-Street Loading

92-01 Application

All uses of land, buildings, or other structures established in any manner after the effective date of this Ordinance shall provide off-street loading space in accordance with the provisions of this Article.

When an existing use of land, building or other structure is expanded or enlarged, off-street loading shall be provided for the entire use, building, or other structure as expanded or enlarged.

Where fractional spaces result, the required number of off-street loading spaces shall be construed to be the next highest whole number.

92-02 Required Spaces

<u>Use</u>	<u>Floor Area</u> <u>(square feet)</u>	<u>Spaces Required</u>
Retail, sales or service	2,000-10,000	1
Eating places	10,000-20,000	2
Wholesaling, Warehousing	20,000-40,000	3
Manufacturing or industrial establishment	40,000-60,000 Each 50,000 over 60,000	4 1 additional
Multiple dwellings, motel, hotel, and other uses	5,000-10,000	1
	10,000-100,000	2
offering sleeping accommodations, medical care facility or similar use or places of public assembly	100,000-200,000 Each 100,000 over 20,000	3 1 additional

Funeral home	2,500- 4,000	1
or mortuary	4,000- 6,000	2
	Each 10,000 over 6,000	1 additional

If there is uncertainty with respect to the amount of loading space required by the provisions of this Ordinance as a result of an indefiniteness as to the proposed use, the maximum requirement for the general type of use that is involved shall govern.

Where the required number of loading spaces is not set forth for a particular use in this Chapter, and where there is no similar type of use listed, the Zoning Administrator shall determine the basis of the number of spaces to be provided.

92-03 **Location of Loading Space**

All loading space shall be located on the same lot as the use served, but shall not be located within a required front yard.

92-04 **Mixed Uses in One Building**

Where a building or other structure is used for more than one use and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required.

92-05 **Size of Space**

A loading space shall have a minimum area of 540 square feet, a minimum width of 12 feet, and a minimum depth of 35 feet, and a vertical clearance of 15 feet.

A loading space for a funeral home may have a minimum width of 10 feet, a minimum length of 25 feet, and a vertical clearance of eight feet.

92-06 **Performance Standards**

- a. The ground surface shall be paved with a durable, dustfree and hard material, such as surface and seal treatment, bituminous hot mix or portland cement concrete or some comparable material. Such

paving shall be maintained for safe and convenient use at all times.

- b. The location and design of entrances and exits shall afford maximum safety, and conform to applicable regulations and standards of the Virginia Department of Transportation. Accordingly, there shall not be an exit within 50 feet of a street intersection.
- c. The loading facility shall be drained to eliminate standing water and prevent damage to abutting property, public streets, and alleys. The facility shall be maintained in a clean, orderly, and dust-free condition.
- d. Adequate lighting shall be provided if the spaces are to be used at night. Lighting facilities shall be arranged and installed, and the light source shielded, to minimize glare on adjacent property or streets and no lighting fixture shall exceed a height of 30 feet in a retail or industrial district, and 15 feet in other districts.
- e. All loading spaces shall be arranged for functional efficiency and convenience and in general shall be designed to present a pleasing appearance so as to reduce adverse impact on surrounding public or private property.
- f. No loading area shall be used to satisfy the space requirement for any off-street parking facilities, and no loading area shall be so located as to interfere with the free circulation of vehicles in any off-street parking area.
- g. No motor vehicle repair work, except emergency service, shall be permitted in association with any loading facility.

92-07

Screening

All open off-street loading spaces shall be screened from all adjoining lots, including such lots situated across a street, by either:

- a. A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round

dense screen at least six feet high within three years, or

- b. A wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50 percent of the face is open. In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances and exits, and shall have no signs hung or attached thereto except one whose area does not exceed two square feet designating the entrance or exit to the facility. Such sign shall not exceed six feet in height above street level.

ARTICLE X ADMINISTRATION

Chapter 1 Enforcement and Administration

101-01 Enforcement

This Ordinance shall be enforced by a County official known as the Zoning Administrator who shall be appointed by the Board of Supervisors and shall serve at their pleasure.

The Zoning Administrator shall have all necessary authority on behalf of the Board of Supervisors to administer and enforce the provisions of this Ordinance. Such authority shall include (a) the writing of orders to remedy any violation of this Ordinance; (b) the bringing of legal action to insure compliance with this Ordinance including all appropriate actions and proceedings.

101-02 Duties of Zoning Administrator

Among other duties, the Zoning Administrator shall perform the following:

- a. Maintain an accurate record of all amendments to the text and maps of this Ordinance.
- b. Maintain and process all applications for the Architectural Review Board, building permits, conditional uses, development plan review, subdivision plats, certificates of occupancy, appeals to the Board of Zoning Appeals, and all other appeals of a decision or interpretation, and maintain an accurate thereof.
- c. Review for completeness and compliance with the provisions of this Ordinance all site plans, subdivision plats, certificates of occupancy, building permits and all other applications required by this Ordinance unless otherwise provided, and maintain an accurate record thereof.
- d. Conduct inspections of buildings and other structures, and uses of land to determine compliance with the provisions of this Ordinance.
- e. Enforce the decisions of the Board of Zoning Appeals.

- f. Administer and enforce the provisions of Article VI, Nonconforming uses.
- g. Perform such other duties and functions as are required by the provisions of this Zoning Ordinance.

101-03 Interpretations of Zoning Ordinance

All questions involving the interpretation of any of the provisions of the Zoning Ordinance, including words and phrases, whether or not herein defined, shall be the responsibility of the Zoning Administrator.

101-04 Filing of Applications and Appeals

Applications and appeals required by the provisions of this Ordinance shall be filed with the Zoning Administrator. To be acceptable, all applications shall be in accordance with the applicable provisions of this Ordinance and accompanied by a fee in an amount specified in Article IX, Chapter 7.

All applications and appeals shall specify the information required by the Zoning Administrator as necessary to reasonably enforce the provisions of this Ordinance.

Chapter 2 Building Permits and Certificate of Occupancy

102-01 Building Permits

A building permit shall be required before any building or other structure may be erected, altered, converted, reconstructed, relocated, extended or enlarged. When issued, such permit shall be valid for not more than six months, unless otherwise provided.

102-02 Manufactured Home - Placement Permit

No manufactured home shall be placed for occupancy in a manufactured home subdivision or park without the issuance of a placement permit from the Zoning Administrator. Separate permits shall not be required for each home as authorized in an approved manufactured home subdivision or park or as authorized within the limits of such subdivision or park as established prior to the enactment of applicable zoning regulations.

102-03 Existing Permits

No building permit lawfully issued prior to the effective date of this Ordinance, and in full force and effect at said date, shall be invalidated by the passage of this Ordinance, or any amendment, but shall remain a valid permit, subject only to its own terms and provisions and Ordinances, rules, and regulations pertaining thereto, and in effect at the time of the issuance of such permit; provided, that all such permits shall expire not later than six months from the effective date of this Ordinance, unless actual construction shall have begun and continued pursuant to the terms of said permit.

102-04 Plans to Accompany Applications for Permits

All applications for a building permit shall be accompanied by a development plan in accordance with provisions of Article I, Chapter 5 of this Ordinance in duplicate or as required by the Zoning Administrator. Among other things, the plan shall show appropriate dimensions, all pertinent environmental data, and such other information as may be deemed necessary. If necessary, in a specific case, a boundary survey and a staking of the lot by a competent surveyor and complete construction plans may also be required. A careful record of the original copy of such applications and plans shall be kept in the offices of the Zoning Administrator and a duplicate copy shall be kept at the building site at all times during construction. In a

particular case, the Zoning Administrator may waive the requirement for plans when such plan is clearly unnecessary to a decision or the record on the case.

102-05 **Certificates of Occupancy**

No vacant land shall be occupied or used, except for agricultural uses associated with the operation of a farm, until a certificate of occupancy shall have been issued by the Zoning Administrator.

No building or other structure shall be used, occupied, or changed in use, until a certificate of occupancy shall have been issued by the Zoning Administrator, stating that the building or other structure or proposed use of a building or other structure complies with the building laws and the provisions of this Ordinance.

A certificate of occupancy shall be applied for along with the application for a building permit and shall be issued within 10 days after the erection or structural alteration of such buildings or other structures shall have been completed in accordance with the provisions of this Ordinance.

A certificate of occupancy may be issued for a part of a building or other structure or development or section thereof completed in accordance with the provisions of this Ordinance even though the entire building or other structure or development or section thereof has not been completed provided that the Zoning Administrator finds that such occupancy is consistent with the public health, safety and welfare. No permit for excavation for any building or other structure shall be issued before application has been made for a certificate of occupancy.

A certificate of occupancy shall be required of all nonconforming uses. Application for such certificate shall be filed with the Zoning Administrator within 12 months from the effective date of this Ordinance.

The Zoning Administrator may issue a temporary and contingent certificate of occupancy for a period not to exceed six months where, because of the unusual nature of the uses, a trial period of operation is in the Zoning Administrator's opinion the most appropriate way to determine actual compliance with the provisions of this Ordinance.

The Zoning Administrator may require the applicant to post a bond with adequate security to guarantee the

completion by a specific time of site improvements related to the buildings and structures for which a certificate is sought.

Chapter 3 Board of Zoning Appeals

103-01 Membership

- a. A Board of Zoning Appeals (hereafter referred to as the Board) shall consist of five or seven members who are residents of the County, and shall be appointed by the Circuit Court of the County. The Board shall serve without pay other than for usual expenses associated with membership. Members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- b. The term of office shall be for five years; except that the first term of the sixth and seventh members appointed shall be for a term of five years and four years respectively. One of the seven members shall be an active member of the County Planning Commission.
- c. Board members shall disqualify themselves from participating in any way upon a matter before the Board in which their financial interests or those of their immediate family are directly involved.
- d. The Board shall elect annually its own chair and vice-chair who shall act in the absence of the chair.
- e. Through its chair, the Board may administer oaths and compel the attendance of witnesses.

103-02 Powers and Duties

Pursuant to the authority granted by the Code of Virginia, Chapter 11, Article 8, Section 15.1-494 and following, the Board shall, after public notice and hearing, have the power:

- a. To hear and decide appeals from any order, requirement, decision, interpretation, or determination made by an administrative officer in the administration or enforcement of this Ordinance.
- b. To authorize upon appeal and application in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, when owing to special conditions,

a literal enforcement of its provisions will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be observed and substantial justice done in accordance with the provisions of this Ordinance.

- c. To hear and decide all other matters referred to and upon which it is required to pass by the provisions of this Ordinance.
- d. To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State.
- e. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- f. To prescribe procedures for the conduct of public hearings that it is required to hold.
- g. To employ or contract for, within the limits of funds appropriated by the Board of Supervisors, secretaries, clerks, legal counsel, consultants and other technical and clerical services.
- h. To perform those additional activities set forth in this Ordinance.

103-03 **Application for a Variance**

An application for a variance shall be filed with the Zoning Administrator on forms furnished by the County and shall include such information as the Zoning Administrator shall require as necessary to enforce the provisions of this Ordinance.

103-04 **Standards for Variances**

Variances may be granted by the Board only after making specific findings of fact based on the evidence before it that:

- a. The property was acquired in good faith.
- b. On the effective date of this Ordinance, the property is:

- (1) exceptionally narrow, or
 - (2) exceptionally shallow, or
 - (3) of exceptional size, or
 - (4) exceptionally shaped, or
 - (5) has exceptional topographic conditions; or other extraordinary situation or condition, of the use or development of property immediately adjacent to the subject property.
- c. The condition or situation of the subject property or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to this Ordinance.
- d. The strict application of this Ordinance would produce undue hardship, and such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- e. The strict application of this Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the property, and the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
- f. Authorization of the variance will not be a substantial detriment to adjacent property; the character of the zoning district will not be changed by the granting of the variance; and the variance will be in harmony with the intended purposes of this Ordinance and in keeping with the public interest.

103-05

Conditions for Variances

Any variance granted by the Board shall be the minimum variance necessary to afford relief, and to this end, the Board may permit a lesser variance than applied for. The Board may also prescribe such conditions or restrictions applying to the grant of a variance as it may deem necessary in the specific case, in order to minimize the adverse effects of such variance upon other property in the neighborhood. Such conditions or

restrictions shall be incorporated into the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

103-06 Lapse of Variance

A variance granted under the provisions of this Ordinance shall automatically lapse if substantial construction, in accordance with the plans for which such variance was granted, has not been completed within one year from the date of granting such variance or, if judicial proceedings to review the Board's decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.

103-07 Variances Not Authorized

No variance shall be granted that would have the effect of:

- a. increasing the density permitted in a zoning district; or
- b. affecting a non-conforming use; or
- c. permitting any use not specified by the provisions of this Ordinance in the zoning district in which the property is located; or
- d. altering any definition set forth in this Ordinance, or
- e. permitting a sign contrary to the provisions of this Ordinance.

103-08 Appeals

An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected, by any decision of the Zoning Administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance. Such appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all

papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal shall have been filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed except by a restraining order which may be granted by the Board or a court of competent jurisdiction.

103-09

Hearing and Decision

The Board shall fix a reasonable time for the hearing of the application or appeal, give public notice thereof as required by law, as well as due notice to the parties in interest, and decide the same within 90 days of the filing of the application or appeal. Upon the hearing any party may appear in person or by agent or by attorney. In exercising its powers, the Board may, in conformity with the provisions of this Ordinance, reverse, affirm, or modify, an order, requirement, decision or determination appealed from and may make such order, requirement, decision of determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the membership of the Board shall be necessary.

Chapter 4 County Planning Commission

104-01 Membership

Pursuant to the authority granted by the Code of Virginia, Chapter 11, Article 3, the Richmond County Planning Commission (hereafter referred to as the Commission) shall advise the Board of Supervisors on all matters related to the orderly growth and development of the County, including, but not limited to, the general location and character of streets, public utilities and services.

Provisions relating to membership such as terms, qualifications, compensation, etc., are as specified in Section 15.1-437 of the Code of Virginia.

104-02 Powers and Duties

With advice and assistance from the County's staff, the Commission shall prepare and recommend for approval to the Board of Supervisors those planning items as specified and set forth in the following Articles of Chapter 11 of the Code of Virginia:

- a. Article 4, The Comprehensive Plan
- b. Article 5, The Official Map
- c. Article 6, A Capital Outlay Program
- d. Article 7, Land Subdivision and Development Ordinance
- e. Article 8, A Zoning Ordinance and Map

In addition, the Commission shall:

- f. Exercise general supervision of, and make regulations for, the administration of its affairs;
- g. Prescribe rules pertaining to its investigations and hearings;
- h. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;
- i. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;

- j. Make recommendations and an annual report to the governing body concerning the operation of the Commission and the status of planning within its jurisdiction.
- k. Prepare, publish and distribute reports, ordinances, and other material relating to its activities.
- l. Prepare and submit an annual budget in the manner prescribed by the governing body of the County; and
- m. If deemed advisable, establish an advisory committee or committees.

Chapter 5 Amendments to the Zoning Ordinance

105-01 Who May Amend

This Ordinance including the zoning map may be amended only by the:

- a. Commission by adoption of a motion to amend; or
- b. Board of Supervisors by adoption of a resolution to amend; or
- c. Property owner, contract purchaser, or agent with the owner's written consent by filing an application to amend with the Zoning Administrator in a manner prescribed in this Chapter by the Zoning Administrator.

105-02 Application Requirements

All applications for amendments to the zoning map initiated as prescribed in 105-01, paragraph c above shall include:

- a. Four copies of an application on forms provided by the County, completed and signed by the applicant.
- b. Four copies of a plat of the subject property with the boundaries outlined in red. The plat shall show:
 - (1) Metes and bounds of all property lines, and bearings and distances of each zoning district.
 - (2) Total area of property presented in square feet or acres,
 - (3) Scale and north arrow,
 - (4) Location of all existing buildings and structures,
 - (5) Names and route numbers of all boundary roads or streets, and the width of existing right(s)-of-way, and the
 - (6) Signature of the person preparing the plat.

- c. Four copies of a legal description of the property, including metes and bounds of each zoning district proposed.

105-03

Referral to Commission and Public Hearing

The Board of Supervisors shall refer all proposed amendments of this Ordinance or map to the Commission for its recommendation and report. Before submitting its recommendation, the Commission shall give notice and hold a public hearing. Notice of such hearing shall be given by publishing the time, place, and nature of the hearing once a week for two successive weeks in a newspaper published or having general circulation in the County, provided that such notice for both the Commission and the Board of Supervisors may be published concurrently. The public hearing shall be held not less than six nor more than 21 days after final publication. In addition, the Commission shall cause the date, time, place, and nature of the hearing to be posted conspicuously on the property under consideration in accordance with the rules of the Commission and a certificate of posting shall become a part of the record of the hearing. The published and posted notices shall contain reference to the place within the County where the plans, ordinances, or amendments may be examined.

Before approving any proposed amendment, the Board of Supervisors shall hold a public hearing, notice of said hearing to be accomplished by publication in a newspaper as prescribed above. The Commission and the Board of Supervisors may hold a joint public hearing after public notice as set forth herein. If such joint hearing is held then public notice as set forth above need be given only by the Board of Supervisors. If an advertised hearing is continued or deferred, notice shall be repeated for the new hearing.

When a proposed amendment involves a change in the zoning classification of 25 or less parcels of land, then, in addition to the advertising as above required, written notice shall be given at least five days before the hearing to the owner, agent, or the occupant, of each parcel involved, and to the owner, agent or the occupant of all abutting property and property immediately across the street or road from the property affected, including those properties in an adjoining jurisdiction. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed.

Costs of any notice hereunder shall be charged to the applicant.

When a proposed amendment of this Ordinance involves a change in the zoning map classification of more than 25 but less than 500 lots, then, in addition to the advertising as above required, written notice shall be given by the Commission at least five days before the hearing to the owner, or agent of each lot involved. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement, provided that a representative of the Commission shall make affidavit that such mailings have been made and file such affidavit with the other documents in the case. Nothing in this paragraph shall be construed to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the Commission to give written notice to the owner or agent of any lot involved.

The Commission shall report its recommendations to the Board of Supervisors. The proposed amendment shall be deemed approved if the Commission fails to report within 90 days of the meeting at which the proposed amendment was referred to it.

105-04

Commission Report

The Commission need not confine its recommendation to the proposed amendment as set forth in the application or resolution. If the proposed amendment consists of a change in the text of this Ordinance, it may recommend a revision to the proposal. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it recommends be rezoned. Also the Commission may recommend that the land be rezoned to a different zoning district classification than that requested if, in either case, the Commission is of the opinion that such revision is in accordance with sound zoning practice and is in furtherance of the purposes of this Ordinance. Before recommending a larger extent of land or a rezoning to a less restrictive zoning district classification than was set forth in the application, the Commission shall hold a further hearing on the matter, after notification has been made in accordance with the provisions of this Chapter.

In recommending the adoption of any amendment of this Ordinance, the Commission shall state its reasons for

such recommendation, describing any changes in conditions, if any, that it believes make the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the adopted comprehensive plan and would be in furtherance of the purpose of this Ordinance.

105-05 Withdrawal of Application

Applications for a change in zoning may be withdrawn from consideration before the first notice of a public hearing thereon has been published and fees refunded if no administrative costs are incurred. Applications for a change in zoning which are withdrawn after first publication shall be considered as denied for the purpose of the one year limitation on reconsideration as provided in this Chapter.

105-06 Action By Board of Supervisors

The Board of Supervisors shall act on all requests for amendments within one year of the date of filing or such amendment shall be deemed approved.

In determining what, if any, amendments to this Ordinance are to be adopted, the Board of Supervisors shall give due consideration to (a) the proper relationship of such amendments to the comprehensive plan, (b) the integrity and validity of the zoning districts herein described, and (c) avoiding unplanned spot-zoning changes in the zoning district map. Moreover, the Board of Supervisors recognizes that no one has the right to an indefinite continuation of any zoning regulation or classification which is contrary to the laws of the Commonwealth, the comprehensive plan or changed conditions or standards. Any amendments adopted by the Board of Supervisors may be modified from the form in which they were advertised within the limits necessary to relate such amendments to the zoning plan and this Ordinance. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice as provided in this Chapter.

105-07 Limitation on Rehearing

Whenever an application for an amendment has been denied by the Board of Supervisors another application concerning the same property and the same or substantially similar zoning classification shall not be reheard for a period of 12 months after the date of denial.

Chapter 6 Violations and Penalties

106-01 Violations

- a. In case any lot, building or other structure is erected, constructed, altered, repaired, converted, or used in violation of this Ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to terminate such violation. After learning of such violation, the Zoning Administrator shall serve notice on the person committing or permitting the violation. If the violation has not ceased within a reasonable time specified by the Zoning Administrator, action appropriate to terminate the violation shall be taken.
- b. Where there is reasonable cause to believe that violation of this Ordinance has occurred, the Zoning Administrator or his authorized representative may, with the written consent of the owner or occupier of the premises in question on a form provided by the Zoning Administrator, enter the premises for the purposes of inspection. Where permission to enter is withheld, the Zoning Administrator shall seek a court order from the General District Court of Richmond County. A search warrant from a magistrate of the jurisdiction may be appropriate.

106-02 Penalties

Any person who shall violate or fail to comply with any of the provisions of this Ordinance, or who shall use any land or build or alter any building or other structure in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not less than ten dollars nor more than one thousand dollars. Each day such violation exists shall constitute a separate offense. The owner or any person acting for the owner who assists in the violation of this Ordinance, shall be guilty of a separate offense and upon conviction, fined as herein provided.

Chapter 7 Fees

107-01 Applicability

All applications and appeals provided for by the provisions of this Ordinance shall be accompanied by a filing fee as follows:

Application for a building or other permit	\$50
Application for a certificate of occupancy	\$50
Application to change nonconforming use	\$75
Application to the ARB	\$50
Appeal from an order, decision, requirement, or interpretation	\$50
All administrative action requiring notice and publication in a newspaper	\$300
All other administrative action	\$ 50

Government entities shall not be required to pay a fee.

and that the proposed method of operations and the final elevation of the pit will not undermine or cause settlement to nearby streets, buildings or other structures, or installations.

- (b) That the applicant submits a plan for the rehabilitation of the lot to be undertaken after the completion of the excavation operations which is satisfactory to the Zoning Administrator or the Commission and posts a bond, in an amount to be determined for the performance of such rehabilitation.
- (c) That the entire perimeter of the lot, except for necessary truck roads, is fenced, including locked gates, so as to prevent children from gaining access to the excavated areas.
- (d) That the vehicular entrances or exits shall not be located within 100 feet of an entrance or exit intended for the use of children attending schools, public parks, or public playgrounds.
- (e) That one accessory off-street parking space is provided for every employee.
- (f) Any building or other structure containing power producing machinery or equipment shall be located at least 600 feet from all lot lines except when adjoining an industrial district.
- (g) The location and design of all interior driveways and entrances and exits shall be regulated in accordance with the provisions of Section 91-11 herein.
- (h) Screening shall be provided in accordance with the provisions of Section 91-12 herein.
- (i) The operation is operated in such a manner as to eliminate, as far as practicable, all injurious or annoying noise, vibration, dust and glare. All

drilling, blasting, or excavation operations shall be limited to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m. Excavation operations shall be undertaken in such manner as to avoid the creation of undrained pockets and the formation of stagnant pools. When topographical conditions make such compliance impossible, all pools of water resulting from surface drainage shall be sprayed to eliminate breeding places for mosquitoes or other insects.

(j) At the expiration of the building permit, or of the cessation of operation for 12 consecutive months, the operation shall not resume and the land shall be restored in accordance with the approved rehabilitation plan required in paragraph (b) above.

y. Aquaculture, subject to the provisions of Article I, Chapter 5, Development Plan Review, herein.

23-03

Bulk Regulations

The following bulk regulations shall apply in a RA district subject also to the provisions of Article I, Chapter 4, herein:

a. Minimum Lot Area:

Dwellings	1 acre per dwelling unit
Manufactured homes	1 acre per manufactured home
Places of worship	3 acres
Schools	5 acres
Other permitted uses unless otherwise provided	1 acre

b. Minimum Lot Width:

Dwellings	150 feet
Manufactured homes	150 feet
Places of worship	300 feet
Schools	300 feet
Other permitted uses unless otherwise provided	200 feet

Waterfront lots shall provide an equivalent lot width measured along the water body, beach, or wetland unless otherwise approved as part of a cluster or planned development or subdivision.

- c. Minimum front yard for all uses shall be 100 feet.
- d. Minimum side yards for all uses shall be 70 feet for each side yard.
- e. Minimum rear yard for all uses shall be 100 feet.
- f. Minimum spacing between buildings or other structures shall be equal to the height of the adjacent tallest building or other structure or the required yard dimensions, whichever is greater.
- g. Maximum density for all dwellings and manufactured homes shall be one acre per dwelling unit.
- h. Maximum height for all dwellings and manufactured homes shall be 35 feet and 45 feet for all other permitted buildings or other structures, except signs.
- i. Cluster development of single family dwellings and manufactured homes shall be in accordance with the provisions of Article I, Chapter 5 herein, Development Plan Review, and the appropriate provisions of the County Subdivision Ordinance. Cluster developments shall have:
- (1) a minimum lot area of 20 acres and
 - (2) a minimum lot width of 150 feet.
- j. Permitted obstruction in yards shall include:
- (1) unenclosed porches, terraces, open decks, uncovered steps, fire escapes, planting

boxes, balconies, or air conditioning units, and the like, and may project not more than 6 feet;

- (2) cornices, awnings, canopies, and the like if at least 10 feet above finished grade level, and may project not more than 3 feet;
- (3) sills, leaders, belt courses, and the like, and may project not more than 2 inches;
- (4) bay windows, chimneys, and the like, and may project not more than 3 feet;
- (5) accessory signs, but at least 10 feet from any lot line;
- (6) accessory uses in accordance with the definition of accessory use in Article I, Chapter 2, herein; and
- (7) the use of land in accordance with the provisions of Article I, Chapter 4, Additional Bulk Regulations, herein.

ARTICLE III RESIDENCE DISTRICTS

Chapter 1 GRI General Residence I District

31-01 Purpose

A General Residence I District is designed to provide land for all types of residential uses, accessory uses, and compatible public and private associated uses at densities comparable to one dwelling unit per acre. The overall density of residential use within this district would not be affected by the type of residential use constructed. Such a district allows for flexibility in the type of construction at the same time controlling overall density and spacing between buildings.

31-02 Permitted Uses

Only the following uses shall be permitted in a GRI district subject to the provisions of Article I, Chapter 5, Development Plan Review and Article VIII, Chapter 2, Chesapeake Bay Preservation District herein; and except as otherwise provided for cluster and planned development herein, the provisions of Article IV, Design Standards, of the Richmond County Subdivision Ordinance shall apply.

- a. Agriculture, limited to the tilling of soil, raising crops, truck gardening, orchards, or nurseries.
- b. Game preserves, wildlife sanctuaries, and fishery uses.
- c. Single family, two family, or multiple family dwellings, attached or detached.
- d. Accessory uses.
- e. Home occupations.
- f. Off-street parking, subject to the provisions of Article IX herein. However, off-street parking shall not be provided on a townhouse lot.
- g. Accessory signs as follows, and subject also to the provisions of Article I, Chapter 3 herein:
 - (1) One nameplate with indirect illumination and with an area not exceeding one square foot for dwellings and home occupations.

- (2) One non-illuminated "for sale" or "for rent" sign with an area not exceeding four square feet.
 - (3) One identification sign with indirect illumination for all other permitted uses including subdivisions with an area not exceeding 20 square feet.
 - (4) Non-illuminated security and warning signs without limitation as to number, but with an area not exceeding one square foot.
 - (5) One non-illuminated sign erected in connection with new construction and displayed only during the time that actual construction is in progress, with an area not exceeding 20 square feet.
 - (6) One non-illuminated sign identifying the entrance and exit to a permitted use with an area not exceeding 8 square feet.
 - (7) Maximum height shall be 10 feet above finished grade level, and in no case above the roof line if affixed in any manner to the wall of a building or other structure.
 - (8) Signs shall not project beyond a lot line, and not more than 12 inches when affixed in any manner to the wall of a building or other structure.
- h. The construction and maintenance of non-commercial catwalks, piers, fences, and duckblinds, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide in tidal areas, or natural flow in non-tidal areas, and to preserve the natural contour of marshes, swamps, and water courses.
- i. Non-commercial outdoor recreational activities, including hiking, boating, trapping, fishing, shellfishing, horseback riding, and swimming provided that no structure shall be constructed except as permitted in paragraph h of this Section 31-02.
- j. Conservation, repletion, education, and research activities of the Virginia Marine Resources Commission, the Virginia Institute of Marine Science, the Commission of Game and Inland

Fisheries, and other related conservation agencies.

- .k. The normal maintenance, repair, or addition to existing roads, highways, or the facilities of any person, firm, corporation, utility, or government abutting on or crossing wetlands or swamps, provided that no waterway is altered and no additional wetlands or swamps are covered or drained.
- l. The normal maintenance of existing man-made drainage ditches, provided that no additional wetlands or swamps are covered or drained and provided further that this paragraph shall not be deemed to authorize construction of any drainage ditch.
- m. Planned developments as regulated by the provisions of this Chapter and of Article VII herein.
- n. Places of worship with a maximum lot area of 3 acres.
- o. Public uses, such as schools (kindergarten through 9th grade), playgrounds, parks, museums, libraries, boat landings, police and fire stations, community centers, and non-commercial clubs.
- p. Nursing homes, convalescent homes, group homes for the developmentally disabled, and family day care facilities provided that such uses have a minimum lot area of 5 acres.
- q. Wayside stands for the sale of agricultural products produced on the premises. The stand shall not exceed 200 square feet in floor area, nor be closer than 35 feet to the front lot line and 100 feet from all other lot lines.
- r. Public utility distribution and service facilities.
- s. Radio and TV transmission or receiving towers. The tower shall be so located that its minimum distance from any lot line will equal the maximum height of the tower above ground level.

Bulk Regulations

The following bulk regulations shall apply in a GRI district subject also to the provisions of Article I, Chapter 4, herein:

a. Minimum Lot Area:

Dwellings	1 acre per dwelling unit
Planned developments	5 acres
Places of worship	3 acres
Schools	5 acres
Other permitted uses unless otherwise provided	1 acre

b. Minimum Lot Width:

Dwellings	150 feet
Places of worship	300 feet
Schools	300 feet
Other permitted uses unless otherwise provided	200 feet

Waterfront lots shall provide an equivalent lot width measured along the water body, beach, or wetland unless otherwise approved as part of a cluster or planned development or subdivision.

- c. Minimum front yard for all uses shall be 100 feet.
- d. Minimum side yards for all uses shall be 70 feet for each side yard.
- e. Minimum rear yard for all uses shall be 100 feet.
- f. Minimum spacing between buildings or other structures shall be equal to the height of the adjacent tallest building or other structure or the required yard dimensions, whichever is greater, but not less than 50 feet.
- g. Maximum density for all dwellings shall be one acre per dwelling unit.
- h. Maximum height for all dwellings shall be 35 feet and 45 feet for all other permitted buildings or other structures, except signs.
- i. Cluster development of all dwellings, including townhouses, shall be in accordance with the

provisions of Article I, Chapter 5, Development Plan Review, herein, and the appropriate provisions of the County Subdivision Ordinance, and shall have:

- (1) a minimum lot area of five acres,
- (2) a minimum lot width of 150 feet,
- (3) a maximum density of one acre per dwelling unit, however each detached single family dwelling unit may have a minimum lot area of 30,000 square feet; each townhouse may have a minimum lot area of 2,000 square feet and a minimum lot width of 20 feet.
- (4) Within a planned development area each townhouse shall have (a) a minimum front yard of 20 feet; (b) no interior side yard and for corner and end lots a minimum side yard of 25 feet; (c) a minimum rear yard of 25 feet; (d) not more than six townhouse dwellings may be continuously attached.

j. Permitted obstruction in yards shall include:

- (1) unenclosed porches, terraces, open decks, uncovered steps, fire escapes, planting boxes, balconies, or air conditioning units, and the like, and may project not more than 6 feet;
- (2) cornices, awnings, canopies, and the like if at least 10 feet above finished grade level, and may project not more than 3 feet;
- (3) sills, leaders, belt courses, and the like, and may project not more than 2 inches;
- (4) bay windows, chimneys, and the like, and may project not more than 3 feet;
- (5) accessory signs, but at least 10 feet from any lot line;
- (6) accessory uses in accordance with the definition of accessory use in Article I, Chapter 2, herein; and
- (7) the use of land in accordance with the provisions of Article I, Chapter 4, Additional Bulk Regulations, herein.

Chapter 2 GR II General Residence II District

32-01 Purpose

A General Residence II District is created to provide land for all types of residential use, compatible public and private associated uses, and accessory uses at densities comparable to one dwelling unit per acre. This district provides a transition between densities of residential use especially in urbanizing areas served by public water and sewer systems.

32-02 Permitted Uses

Only the following uses shall be permitted in a GR II district subject to the provisions of Article I, Chapter 5, Development Plan Review and Article VIII, Chapter 2, Chesapeake Bay Preservation District herein; and except as otherwise provided for cluster and planned development herein, the provisions of Article IV, Design Standards, of the Richmond County Subdivision Ordinance shall apply.

- a. Agriculture, limited to the tilling of soil, raising crops, truck gardening, orchards, or nurseries.
- b. Game preserves, wildlife sanctuaries, and fishery uses.
- c. Single family, two family, or multiple family dwellings, attached or detached.
- d. Accessory uses.
- e. Home occupations.
- f. Off-street parking, subject to the provisions of Article IX herein. However, off-street parking shall not be provided on a townhouse lot.
- g. Accessory signs as follows, and subject also to the provisions of Article I, Chapter 3 herein:
 - (1) One nameplate with indirect illumination and with an area not exceeding one square foot for dwellings and home occupations.
 - (2) One non-illuminated "for sale" or "for rent" sign with an area not exceeding four square feet.

- (3) One identification sign with indirect illumination for all other permitted uses including subdivisions with an area not exceeding 20 square feet.
 - (4) Non-illuminated security and warning signs without limitation as to number, but with an area not exceeding one square foot.
 - (5) One non-illuminated sign erected in connection with new construction and displayed only during the time that actual construction is in progress, with an area not exceeding 20 square feet.
 - (6) One non-illuminated sign identifying the entrance and exit to a permitted use with an area not exceeding 8 square feet.
 - (7) Maximum height shall be 10 feet above finished grade level, and in no case above the roof line if affixed in any manner to the wall of a building or other structure.
 - (8) Signs shall not project beyond a lot line, and not more than 12 inches when affixed in any manner to the wall of a building or other structure.
- h. The construction and maintenance of non-commercial catwalks, piers, fences, and duckblinds, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide in tidal areas, or natural flow in non-tidal areas, and to preserve the natural contour of marshes, swamps, and water courses.
 - i. Non-commercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, and swimming; provided that no structure shall be constructed except as permitted in paragraph h of this Section 32-02.
 - j. Conservation, repletion, education, and research activities of the Virginia Marine Resources Commission, the Virginia Institute of Marine Science, the Commission of Game and Inland Fisheries, and other related conservation agencies.
 - k. The normal maintenance, repair, or addition to existing roads, highways, or the facilities of any

person, firm, corporation, utility, or government abutting on or crossing wetlands or swamps, provided that no waterway is altered and no additional wetlands or swamps are covered or drained.

- l. The normal maintenance of existing man-made drainage ditches, provided that no additional wetlands or swamps are covered or drained and provided further that this paragraph shall not be deemed to authorize construction of any drainage ditch.
- m. Planned developments as regulated by the provisions of this Chapter and of Article VII herein.
- n. Places of worship with a minimum lot area of 3 acres.
- o. Public uses, such as primary and secondary schools, playgrounds, parks, museums, libraries, boat landings, police and fire stations, and community centers.
- p. Nursing homes, convalescent homes, group homes for the developmentally disabled, and family day care facilities provided that such uses have a minimum lot area of 5 acres.
- q. Wayside stands for the sale of agricultural products produced on the premises. The stand shall not exceed 200 square feet in floor area, nor be closer than 35 feet to the front lot line and 100 feet from all other lot lines.
- r. Public utility distribution and service facilities.
- s. Radio and TV transmission or receiving towers. The tower shall be so located that its minimum distance from any lot line will equal the maximum height of the tower above ground level.
- t. Universities and colleges.
- u. Hospitals and other human health care facilities with a minimum lot area of 5 acres, and direct access to a public street.
- v. Bed and breakfast facilities.

Bulk Regulations

The following bulk regulations shall apply in a GR II district subject also to the provisions of Article I, Chapter 4, herein:

a. **Minimum Lot Area:****Dwellings:**

- | | |
|--|--------------------------------------|
| (1) connected to public water and sewer services | 15,000 square feet per dwelling unit |
| (2) without public water and sewer services | 1 acre per dwelling unit |

Planned developments	5 acres
----------------------	---------

Places of worship	3 acres
-------------------	---------

Schools	5 acres
---------	---------

Other permitted uses unless otherwise provided	1 acre
--	--------

b. **Minimum Lot Width:****Dwellings:**

- | | |
|--|----------|
| (1) connected to public water and sewer services | 100 feet |
| (2) without public water and sewer services | 150 feet |

Places of worship	300 feet
-------------------	----------

Schools	300 feet
---------	----------

Other permitted uses unless otherwise provided	200 feet
--	----------

Waterfront lots shall provide an equivalent lot width measured along the water body, beach, or wetland unless otherwise approved as part of a cluster or planned development or subdivision.

- c. Minimum front yard:
 - (1) for dwellings connected to public water and sewer services 40 feet
 - (2) for other uses 100 feet
- d. Minimum side yards:
 - (1) for dwellings connected to public water and sewer services 30 feet for each side yard
 - (2) for all other uses 70 feet for each side yard
- e. Minimum rear yard:
 - (1) for dwellings connected to public water and sewer services 50 feet
 - (2) for all other uses 100 feet
- f. Minimum spacing between buildings or other structures shall be equal to the height of the adjacent tallest building or other structure or the required yard dimensions, whichever is greater, but not less than 50 feet.
- g. Maximum density for all dwellings:
 - (1) connected to public water and sewer services 3 dwelling units per acre
 - (2) without public water and sewer services 1 dwelling unit per acre
- h. Maximum height for all dwellings shall be 35 feet and 45 feet for all other permitted buildings or other structures, except signs.
- i. Cluster development of all dwellings, including townhouses, shall be in accordance with the provisions of Article I, Chapter 5, Development Plan Review, herein, and the appropriate provisions of the County Subdivision Ordinance, and shall have:
 - (1) a minimum lot area of five acres,

- (2) a minimum lot width of 150 feet,
 - (3) maximum density shall be in accordance with Section 32-03 g above, however each detached single family dwelling unit may have a minimum lot area of 30,000 square feet; each townhouse may have a minimum lot area of 2,000 square feet and a minimum lot width of 20 feet.
 - (4) Within a planned development area each townhouse shall have (a) a minimum front yard of 20 feet; (b) no interior side yard and for corner and end lots a minimum side yard of 25 feet; (c) a minimum rear yard of 25 feet; (d) not more than six townhouse dwellings may be continuously attached.
- j. Permitted obstruction in yards shall include:
- (1) unenclosed porches, terraces, open decks, uncovered steps, fire escapes, planting boxes, balconies, or air conditioning units, and the like, and may project not more than 6 feet;
 - (2) cornices, awnings, canopies, and the like if at least 10 feet above finished grade level, and may project not more than 3 feet;
 - (3) sills, leaders, belt courses, and the like, and may project not more than 2 inches;
 - (4) bay windows, chimneys, and the like, and may project not more than 3 feet;
 - (5) accessory signs, but at least 10 feet from any lot line;
 - (6) accessory uses in accordance with the definition of accessory use in Article I, Chapter 2, herein; and
 - (7) the use of land in accordance with the provisions of Article I, Chapter 4, Additional Bulk Regulations, herein.

Chapter 3 RR Residence-Recreation District

32-01 Purpose

A RR Residence-Recreation District is designed to encourage the integration of all types of housing, specified recreation uses, associated uses, and accessory uses in keeping with the intent of the Comprehensive Plan. A major objective is to maintain a high level of amenities for the residential uses and thus promote the public's general welfare, including health and safety. All of the permitted uses are deemed to be compatible with each other when constructed and operated in accordance with the provisions of this Chapter.

32-02 Permitted Uses

Only the following uses shall be permitted in a RR district subject to the provisions of Article I, Chapter 5, Development Plan Review and Article VIII, Chapter 2, Chesapeake Bay Preservation District herein; and except as otherwise provided for cluster and planned development herein, the provisions of Article IV, Design Standards, of the Richmond County Subdivision Ordinance shall apply.

- a. Agriculture, limited to the tilling of soil, raising crops, truck gardening, orchards, or nurseries.
- b. Game preserves, wildlife sanctuaries, and fishery uses.
- c. Single family, two family, or multiple family dwellings, attached or detached.
- d. Accessory uses.
- e. Home occupations.
- f. Off-street parking, subject to the provisions of Article IX herein. However, off-street parking shall not be provided on a townhouse lot.
- g. Accessory signs as follows, and subject also to the provisions of Article I, Chapter 3 herein:
 - (1) One nameplate with indirect illumination and with an area not exceeding one square foot for dwellings and home occupations.

- (2) One non-illuminated "for sale" or "for rent" sign with an area not exceeding four square feet.
 - (3) One identification sign with indirect illumination for all other permitted uses including subdivisions with an area not exceeding 20 square feet.
 - (4) Non-illuminated security and warning signs without limitation as to number, but with an area not exceeding one square foot.
 - (5) One non-illuminated sign erected in connection with new construction and displayed only during the time that actual construction is in progress, with an area not exceeding 20 square feet.
 - (6) One non-illuminated sign identifying the entrance and exit to a permitted use with an area not exceeding 8 square feet.
 - (7) Maximum height shall be 10 feet above finished grade level, and in no case above the roof line if affixed in any manner to the wall of a building or other structure.
 - (8) Signs shall not project beyond a lot line, and not more than 12 inches when affixed in any manner to the wall of a building or other structure.
- h. The construction and maintenance of non-commercial catwalks, piers, fences, and duckblinds, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide in tidal areas, or natural flow in non-tidal areas, and to preserve the natural contour of marshes, swamps, and water courses.
 - i. Conservation, repletion, education, and research activities of the Virginia Marine Resources Commission, the Commission on Game and Inland Fisheries, and other related conservation agencies.
 - j. The normal maintenance, repair, or addition to existing roads, highways, or the facilities of any person, firm, corporation, utility, or government abutting on or crossing wetlands or swamps, provided that no waterway is altered and no

additional wetlands or swamps are covered or drained.

- k. The normal maintenance of existing man-made drainage ditches, provided that no additional wetlands or swamps are covered or drained and provided further that this paragraph shall not be deemed to authorize construction of any drainage ditch.
- l. Planned developments as regulated by the provisions of this Chapter and of Article VII herein.
- m. Places of worship with a minimum lot area of 3 acres.
- n. Public uses, such as primary and secondary schools, playgrounds, parks, museums, libraries, boat landings, police and fire stations, and community centers.
- o. Nursing homes, convalescent homes, group homes for the developmentally disabled, and family day care facilities provided that such uses have a minimum lot area of 5 acres.
- p. Wayside stands for the sale of agricultural products produced on the premises. The stand shall not exceed 200 square feet in floor area, nor be closer than 35 feet to the front lot line and 100 feet from all other lot lines.
- q. Public utility distribution and service facilities.
- r. Radio and TV transmission or receiving towers. The tower shall be so located that its minimum distance from any lot line will equal the maximum height of the tower above ground level.
- s. Universities and colleges.
- t. Hospitals and other human health care facilities with a minimum lot area of 5 acres, and direct access to a public street.
- u. Bed and breakfast facilities, limited to four guest rooms.

v. Recreation uses as follows:

- (1) the following private club recreation uses may be permitted and shall have a minimum lot area of 5 acres:

Swimming clubs.

Golf clubs.

Game courts such as tennis and racquetball clubs.

Fishing clubs.

Archery range clubs.

Horseback riding clubs.

Country clubs.

Hunt clubs and may include the keeping of not more than 30 dogs incidental to such use, provided that dog enclosures are at least 500 feet from a dwelling.

Shooting clubs.

- (2) the following uses shall have a minimum lot of 10 acres:

Marine facilities including bathing beaches, boating, and fishing.

Campgrounds with camping units for temporary living quarters limited to 30 days total occupancy in a 12 month period. All campgrounds shall be subject to the appropriate provisions of the Code of Virginia, Title 62.1, Chapter 3.1, Sections 62-44.15ff and rules and regulations adopted by the State Board of Health pursuant to its authority in Title 35.1, Sections 35.1-17ff.

- (3) Accessory uses may be provided on the same premises and shall include eating places, the sale and services of incidental equipment and materials, associated with permitted recreation uses.

- (4) All permitted recreation uses shall be screened from all adjoining lots containing

dwellings, including such lots situated across a street, by either:

- a. A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or
- b. A wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto except one whose area does not exceed two square feet designating the entrance or exit to the facility. Such sign shall not exceed six feet in height above street level.

(5) The Zoning Administrator may require such additional conditions as is necessary for the protection of the public's general welfare including health and safety.

31-03

Bulk Regulations

The following bulk regulations shall apply in a RR district subject also to the provisions of Article I, Chapter 4, herein:

a. Minimum Lot Area:

Dwellings:

- (1) connected to public water and sewer services 15,000 square feet per dwelling unit
- (2) without public water and sewer services 1 acre per dwelling unit

Planned developments 5 acres

Places of worship 3 acres

Schools 5 acres

Other permitted uses 1 acre
unless otherwise provided

b. Minimum Lot Width:

Dwellings:

(1) connected to public 100 feet
water and sewer
services

(2) without public water 150 feet
and sewer services

Places of worship 300 feet

Schools 300 feet

Other permitted uses 200 feet
unless otherwise provided

Waterfront lots shall provide an equivalent lot width measured along the water body, beach, or wetland unless otherwise approved as part of a cluster or planned development or subdivision.

c. Minimum front yard:

(1) for dwellings connected 40 feet
to public water and
sewer services

(2) for other uses 100 feet

d. Minimum side yards:

(1) for dwellings connected 30 feet for each
to public water and side yard
sewer services

(2) for all recreation uses, 100 feet for each
unless otherwise side yard
provided

(3) for all other uses 70 feet for each
side yard

- e. Minimum rear yard:
 - (1) for dwellings connected to public water and sewer services 50 feet
 - (2) for all other uses 100 feet
- f. Minimum spacing between buildings or other structures shall be equal to the height of the adjacent tallest building or other structure or the required yard dimensions, whichever is greater, but not less than 50 feet.
- g. Maximum density for all dwellings:
 - (1) connected to public water and sewer services 3 dwelling units per acre
 - (2) without public water and sewer services 1 dwelling unit per acre
- h. Maximum height for all dwellings shall be 35 feet and 45 feet for all other permitted buildings or other structures, except signs.
- i. Cluster development of all dwellings, including townhouses, shall be in accordance with the provisions of Article I, Chapter 5, Development Plan Review, herein, and the appropriate provisions of the County Subdivision Ordinance, and shall have:
 - (1) a minimum lot area of five acres,
 - (2) a minimum lot width of 150 feet,
 - (3) maximum density shall be in accordance with Section 33-03 g above, however each detached single family dwelling unit may have a minimum lot area of 30,000 square feet; each townhouse may have a minimum lot area of 2,000 square feet and a minimum lot width of 20 feet.
 - (4) Within a planned development area each townhouse shall have (a) a minimum front yard of 20 feet; (b) no interior side yard and for corner and end lots a minimum side yard of 25 feet; (c) a minimum rear yard of 25 feet; (d) not more than six townhouse dwellings may be continuously attached.

j. Permitted obstruction in yards shall include:

- (1) unenclosed porches, terraces, open decks, uncovered steps, fire escapes, planting boxes, balconies, or air conditioning units, and the like, and may project not more than 6 feet;
- (2) cornices, awnings, canopies, and the like if at least 10 feet above finished grade level, and may project not more than 3 feet;
- (3) sills, leaders, belt courses, and the like, and may project not more than 2 inches;
- (4) bay windows, chimneys, and the like, and may project not more than 3 feet;
- (5) accessory signs, but at least 10 feet from any lot line;
- (6) accessory uses in accordance with the definition of accessory use in Article I, Chapter 2, herein; and
- (7) the use of land in accordance with the provisions of Article I, Chapter 4, Additional Bulk Regulations, herein.

ARTICLE IV RETAIL DISTRICTS

Chapter 1 LR Local Retail District

41-01 Purpose

These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. Since these establishments are required in convenient locations near residential areas, and since they are relatively unobjectionable to nearby residences, these districts can be widely mapped. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage.

41-02 Permitted Uses

Only the following uses shall be permitted in a LR district subject to the provisions of Article I, Chapter 5, Development Plan Review and Article VIII, Chapter 2, Chesapeake Bay Preservation District herein; and except as otherwise provided herein for cluster and planned development, the provisions of Article IV, Design Standards, of the Richmond County Subdivision Ordinance shall apply. All permitted uses shall be located within completely enclosed buildings.

- a. Dwellings for the owner or operator of the retail use and regulated in accordance with the provisions of Section 33-03 herein.
- b. Shops for custom work for the making or repairing of articles to be sold only at retail on the premises provided that no more than five (5) persons shall be engaged in such shops and no work shall be done on the premises for retail outlets elsewhere;
- c. Retail sales of goods and provision of commercial services when such activities are conducted wholly within enclosed buildings, including:
 - (1) Food stores, including supermarkets, grocery stores, meat markets, and delicatessens;
 - (2) Eating and drinking establishments, including the sale of alcoholic beverages, but excluding places offering dancing or other entertainment or places where food or

beverages are served to or consumed by patrons in motor vehicles;

- (3) Stores selling drugs, gift items, flowers, periodicals, tobacco, sporting goods, books, stationery, video tapes, music;
 - (4) Stores selling, renting, or servicing household hardware, tools, paint, garden supplies, household appliances, bicycles;
 - (5) Personal service establishments such as beauty and barber shops, laundry and cleaning service, and shoe or hat repair shops;
 - (6) Package liquor and beverage stores;
 - (7) Automobile supply stores;
 - (8) Locksmith shops;
 - (9) Stores selling general merchandise such as dry goods, wearing apparel, shoes, and hats;
 - (10) Stores selling floor and wall coverings;
 - (11) Banks and savings and loan institutions, including accessory drive-up windows provided that these facilities are limited in number to those necessary to offer simultaneous service to no more than two (2) vehicles per establishment and provided the service directly to the vehicle is offered as a convenience rather than as an essential operation of the establishment. Each drive-up teller shall provide a waiting lane to hold at least eight (8) automobiles.
- d. Accessory uses.
- e. Home occupations.
- f. Off-street parking, subject to the provisions of Article IX herein.
- g. Accessory signs as follows, and subject also to the provisions of Article I, Chapter 3 herein; and provided that the maximum height shall be 10 feet above finished grade level, and in no case above the roof line if affixed in any manner to the wall of a building or other structure. No signs shall

project beyond a lot line, and not more than 12 inches when affixed in any manner to the wall of a building or other structure.

- (1) One nameplate with indirect illumination and with an area not exceeding one square foot for dwellings and home occupations.
- (2) One non-illuminated "for sale" or "for rent" sign with an area not exceeding four square feet.
- (3) One non-illuminated sign erected in connection with new construction and displayed only during the time that actual construction is in progress, with an area not exceeding 20 square feet.
- (4) One accessory business sign for each use shall be affixed to the wall of the principal building. Such sign facing a street shall not exceed one square foot of surface area for each linear foot of street frontage up to a maximum of 75 square feet. Such sign may be indirectly illuminated. An additional sign may be located on the wall of the principal building facing off-street parking spaces as provided in this paragraph (4).
- (5) An accessory business sign permitted by paragraph (4) above and facing an existing dwelling or within 100 feet of a residence district shall be non-illuminated and limited to 16 square feet of surface area.

h. Where the boundary of a zoning lot is coincident with the boundary of a residence district, screening shall be provided as follows:

- (1) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or
- (2) A wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. In addition, such screening

shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto except one whose area does not exceed two square feet designating the entrance or exit to the facility. Such sign shall not exceed six feet in height above street level.

41-03 **Bulk Regulations**

Except as otherwise provided in Section 41-02 herein, no minimum lot area or lot width is required, provided that all lots are of sufficient size to permit conformance to all of the provisions of this Ordinance and other applicable provisions of County or State law.

- a. Minimum front yard for all uses shall be 75 feet.
- b. Minimum side yards for all retail uses shall be required under the following conditions:
 - (1) When two adjacent buildings do not abut each other or do not have a common wall, an access-way of at least 12 feet wide must be created and preserved between such adjacent buildings and must be free of projections or other obstructions which would prohibit the free passage of service or emergency vehicles and for fire protection;
 - (2) No building or group of adjacent buildings shall have a dimension greater than 200 feet for a wall nearest a public street without providing an access-way from the front to the rear of the lot measuring at least 12 feet in width; and
 - (3) Where the boundary of a lot is coincident with the boundary of a residence district, a side yard, adjacent to such boundary, of at least 70 feet must be created and preserved.
- c. Minimum rear yard for all retail uses shall be 70 feet.
- d. A rear yard shall not be required when a rear lot line coincides with a railroad right-of-way; and a side yard shall not be required when a side lot line coincides with a railroad right-of-way.

- e. Permitted obstructions in yards shall include:
- (1) arbors, trellises, or flag poles;
 - (2) screening, including fences and walls in accordance with the provisions of this Ordinance;
 - (3) open accessory off-street parking in accordance with the provisions of Article IX herein;
 - (4) eaves, gutters or downspouts, and may project not more than 16 inches;
 - (5) unenclosed porches, terraces, open decks, uncovered steps, fire escapes, planting boxes, balconies, or air conditioning units, and the like, and may project not more than 6 feet;
 - (6) awnings, canopies, and the like if at least 10 feet above finished grade level, and may project not more than 8 feet;
 - (7) sills, leaders, belt courses, and the like, and may project not more than 2 inches;
 - (8) bay windows, chimneys, and the like, and may project not more than 3 feet;
 - (9) accessory signs, but at least 10 feet from any lot line;
 - (10) accessory uses in accordance with the definition of accessory use in Article I, Chapter 2, herein; and
 - (11) provisions of Article I, Chapter 4, Additional Bulk Regulations, herein.
- f. Maximum height for all uses shall be 35 feet, except signs.
- g. Permitted height obstructions shall include the following incidental appurtenances:
- (1) chimneys;
 - (2) elevator or stair bulkheads;

- (3) roof solar panels, water tanks, or cooling towers;
- (4) flagpoles and antennas;
- (5) parapet walls or railings not in excess of four feet.

Chapter 2 GR General Retail District

42-01 Purpose

The general retail district comprises the County's major and secondary shopping areas. An important function of the district is to provide adequate space in appropriate locations for those retail shopping, office use, and miscellaneous service activities to serve the needs of the County. It is anticipated that these uses will generate traffic and therefore should be mapped so that there is direct access to a primary or secondary highway. The regulations are designed to promote convenient shopping and the stability of retail development, and thus to promote the economy of the County.

Development on individual lots and each with individual access to the highways within the County, otherwise known as "strip development," increases traffic congestion and creates safety hazards. Minimizing these harmful effects is a major purpose of this district. Therefore, integrated shopping is encouraged either in mall-type construction or with multiple retail uses on a single lot with controlled access to highways.

42-02 Permitted Uses

Only the following uses shall be permitted in a GR district subject to the provisions of Article I, Chapter 5, Development Plan Review and Article VIII, Chapter 2, Chesapeake Bay Preservation District herein; and except as otherwise provided for cluster and planned development, the provisions of Article IV, Design Standards, of the Richmond County Subdivision Ordinance shall apply. All permitted uses shall be located within completely enclosed buildings.

- a. Shops for custom work for the making or repairing of articles to be sold only at retail on the premises provided that no more than five (5) persons shall be engaged in such shops and no work shall be done on the premises for retail outlets elsewhere;
- b. Retail sales of goods and provision of commercial services when such activities are conducted wholly within enclosed buildings, including:
 - (1) Food stores, including bakeries, supermarkets, grocery stores, meat markets, delicatessens;

- (2) Eating and drinking establishments, including drive-in restaurants;
 - (3) Hotels, motels, and bed and breakfast establishments;
 - (4) Automotive service stations or repair shops;
 - (5) Nurseries and greenhouses;
 - (6) Indoor recreational establishments such as movie theatres and bowling alleys;
 - (7) Health clubs;
 - (8) Stores selling drugs, gift items, flowers, jewelry, periodicals, tobacco, sporting goods, books, stationery, video tapes, music;
 - (9) Stores selling, renting, or servicing household hardware, tools, paint, garden supplies, household appliances, bicycles;
 - (10) Personal service establishments such as beauty and barber shops, laundry and dry cleaning service, and shoe or hat repair shops;
 - (11) Package liquor and beverage stores;
 - (12) Automobile supply stores;
 - (13) Locksmith shops;
 - (14) Stores selling general merchandise such as dry goods, wearing apparel, shoes, and hats;
 - (15) Stores selling floor and wall coverings, furniture, antiques, art, art supplies, office supplies;
 - (16) Banks and savings and loan institutions, including accessory drive-up windows. For each drive-up teller, a waiting lane to hold at least eight automobiles shall be provided;
- d. Accessory uses;
- e. Professional and general business offices;

- f. Post offices;
- g. Off-street parking, subject to the provisions of Article IX herein;
- h. Accessory signs as follows, and subject also to the provisions of Article I, Chapter 3 herein; and provided that the maximum height shall be 10 feet above finished grade level, and in no case above the roof line if affixed in any manner to the wall of a building or other structure. No signs shall project beyond a lot line, and not more than 12 inches when affixed in any manner to the wall of a building or other structure.

- (1) One non-illuminated "for sale" or "for rent" sign with an area not exceeding four square feet.
- (2) One non-illuminated sign erected in connection with new construction and displayed only during the time that actual construction is in progress, with an area not exceeding 20 square feet.
- (3) Except as otherwise provided in this Section, one accessory business sign for each use shall be affixed to the wall of the principal building.

Such sign facing a street shall not exceed one square foot of surface area for each linear foot of street frontage up to a maximum of 75 square feet. Such sign may be indirectly illuminated. An additional sign may be located on the wall of the principal building facing off-street parking spaces as regulated in this paragraph (3).

- (4) An integrated development of less than five permitted uses on a single lot, may also have one sign identifying the development and the uses within the development. Such sign (a) shall be limited to 20 square feet of surface area, (b) may be indirectly illuminated, (c) shall have a maximum height of 10 feet, and (d) may be located in a front or side yard, but not closer than 20 feet from any lot line;

- (5) An integrated development of five or more permitted uses on a single lot shall be considered a shopping center and may also have signs identifying the center. Such signs shall be regulated as provided in paragraph (4) above except that a shopping center identification sign may be located along each street on which it has frontage, and may identify the center only.
- (6) Automotive service stations shall comply with all applicable sign regulations of this Section 42-02 h and in addition may have one freestanding accessory business sign on which current fuel prices may be displayed. The fuel price information shall be included in the total surface area of such sign. Each fuel pump may have a sign identifying the product dispensed limited to one square foot of surface area.
- (7) A sign permitted by paragraphs (4), (5), or (6) above and facing an existing dwelling or within 100 feet of a residence district shall be non-illuminated and limited to 16 square feet of surface area;
- (8) Professional or general business office centers at least two acres in area and planned as an integrated development may have a sign identifying the name of the center only. Such signs (a) shall be limited to 20 square feet of surface area, (b) shall have a maximum height of six feet, (c) may be indirectly illuminated, and (d) may be located in a front or side yard, but not closer than 20 feet to any lot line.

Where such office center contains two or more buildings, each building may have one sign on which the building and its occupants may be identified. Such sign shall be regulated as in this paragraph (8) except that one identification sign may also be affixed to the wall of the building which contains the main entrance thereto. Such sign shall be limited to 36 square feet of surface area and otherwise conform to the sign regulations of this Section.

- (9) If the provisions of this Section 42-02 h do not apply directly to a sign requested

for a permitted use, the Zoning Administrator shall make a written interpretation of this Section and maintain a permanent record for that application.

i. Where the boundary of a lot is coincident with the boundary of a residence district, screening shall be provided as follows:

- (1) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or
- (2) A wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto except one whose area does not exceed two square feet designating the entrance or exit to the facility. Such sign shall not exceed six feet in height above street level.

42-03

Bulk Regulations

No minimum lot area or lot width is required, provided that all lots are of sufficient size to permit conformance to all of the provisions of this Ordinance and other applicable provisions of County and State law.

- a. Minimum front yard for all uses shall be 75 feet.
- b. Minimum side yards for all uses shall be required under the following conditions:
 - (1) When two adjacent buildings do not abut each other or do not have a common wall, an access-way of at least 12 feet wide must be created and preserved between such adjacent buildings and must be free of projections or other obstructions which would prohibit the free passage of service or emergency vehicles and for fire protection;

- (2) No building or group of adjacent buildings shall have a dimension greater than 200 feet for a wall nearest a public street without providing an access-way from the front to the rear of the lot measuring at least 12 feet in width; and
 - (3) Where the boundary of a lot is coincident with the boundary of a residence district, a side yard, adjacent to such boundary, of at least 70 feet must be created and preserved.
- c. Minimum rear yard for all retail uses shall be 70 feet.
 - d. A rear yard shall not be required when a rear lot line coincides with a railroad right-of-way; and a side yard shall not be required when a side lot line coincides with a railroad right-of-way.
 - e. Permitted obstructions in yards shall include:
 - (1) arbors, trellises, or flag poles;
 - (2) screening, including fences and walls in accordance with the provisions of this Ordinance;
 - (3) open accessory off-street parking in accordance with the provisions of Article IX herein;
 - (4) eaves, gutters or downspouts, and may project not more than 16 inches;
 - (5) unenclosed porches, terraces, open decks, uncovered steps, fire escapes, planting boxes, balconies, or air conditioning units, and the like, and may project not more than 6 feet;
 - (6) awnings, canopies, and the like if at least 10 feet above finished grade level, and may project not more than 8 feet;
 - (7) sills, leaders, belt courses, and the like, and may project not more than 2 inches;
 - (8) bay windows, chimneys, and the like, and may project not more than 3 feet;

- (9) accessory signs, but at least 20 feet from any lot line;
 - (10) accessory uses in accordance with the definition of accessory use in Article I, Chapter 2, herein; and
 - (11) provisions of Article I, Chapter 4, Additional Bulk Regulations, herein.
- f. Maximum height for all uses shall be 35 feet, except signs.
- g. Permitted height obstructions shall include the following incidental appurtenances:
- (1) chimneys;
 - (2) elevator or stair bulkheads;
 - (3) roof solar panels, water tanks, or cooling towers;
 - (4) flagpoles and antennas;
 - (5) parapet walls or railings not in excess of four feet.

ARTICLE V INDUSTRIAL DISTRICTS

Chapter 1 LI Light Industrial District

51-01 Purpose

A primary purpose of this district is to encourage proximity in the development of compatible and related uses of land and buildings and to discourage development of uses which are incompatible or detrimental to each other and adjacent areas. District regulations are established by this article especially to achieve the following objectives:

- a. To provide for industrial and related uses within the County in conformance with specific standards and in a manner compatible with the primary character of the County.
- b. To provide, where appropriate, for the expansion and continued development of industrial and related uses, thereby meeting future economic needs of the County for such activities.
- c. To prohibit industrial and related development which, by reason of emission or generation of smoke, odors, noxious gases, noise, glare, humidity, vibration, or danger of explosion, fire or other hazard, would create conditions detrimental to the public's general welfare including health and safety, and which would be incompatible with and detrimental to adjacent and surrounding uses, through the establishment of specific standards of performance which must be maintained by industrial uses.
- d. To insure the availability of appropriate land for industrial and related uses, and to discourage the undesirable mixture of uses on such land by prohibiting new residential and incompatible or unrelated retail and agriculture uses.
- e. To protect appropriate development against congestion by limiting the bulk and density of development in relation to adjacent buildings and the available land, and by providing for development of appropriate accessory off-street parking and loading spaces, and by providing for buffers and screening to protect adjacent areas from objectionable influences.

- f. To promote the most desirable use of land and buildings in accordance with the Comprehensive Plan and to provide, in appropriate areas for development, certain industrial and related activities to maintain and strengthen the economic base and tax revenues of the County.

51-02

Permitted Uses

Only the following uses shall be permitted in a LI district subject to the provisions of Article I, Chapter 5, Development Plan Review, Article VIII, Chapter 2, Chesapeake Bay Preservation District, and Article V, Chapter 2, Performance Standards, herein; and except as otherwise provided herein for planned development, the provisions of Article IV, Design Standards, of the Richmond County Subdivision Ordinance shall apply.

The operation of the following uses including all manufacturing, processing, fabricating, display, and storage shall be located within completely enclosed buildings unless otherwise provided, and except for accessory off-street and loading spaces:

- a. Agriculture, limited to the tilling of soil, raising crops, truck gardening, orchards or nurseries; a dwelling accessory to a farm of 10 acres or more.
- b. Public Utilities and Vehicle Storage Uses:
 - (1) commercial or public utility vehicle storage,
 - (2) commercial garages and parking structures,
 - (3) public utility facilities and installations such as pump stations and telephone exchange centers.
- c. Storage or Wholesale Uses:
 - (1) moving and storage company offices and warehouses,
 - (2) warehouses,
 - (3) wholesale operations.
- d. Scientific laboratories performing research, design, experimental production, and testing operations.

e. Manufacturing uses:

- (1) Apparel or other textile products from already produced textile goods,
- (2) Automobiles, trucks or trailers and parts and accessories thereof,
- (3) Beverages, non-alcoholic,
- (4) Boats and related products and accessories,
- (5) Bottling works,
- (6) Brushes and brooms,
- (7) Building supplies, with a minimum lot area of 10 acres
- (8) Cameras and photographic equipment except film,
- (9) Carpentry, woodworking, and cabinets,
- (10) Carpets,
- (11) Canvas or canvas products,
- (12) Ceramic products such as pottery, small glazed tile and similar products,
- (13) Chemical compounding and packaging,
- (14) Cosmetics or toiletries,
- (15) Electrical appliances and equipment,
- (16) Electrical supplies including wire or cable, switches, insulation, batteries and similar products,
- (17) Electrical machinery,
- (18) Food products and processing, except slaughtering of meat or preparation of fish for packaging,
- (19) Fur goods, not including hide tanning,
- (20) Glass products, not including glass manufacturing,

- (21) Hair, felt or feather products except washing, dyeing and curling,
- (22) Household or office equipment machinery,
- (23) Ice, dry or natural,
- (24) Ink or inked ribbon,
- (25) Jute, hemp, sisal or oakum products,
- (26) Leather products, not including hide tanning or dyeing,
- (27) Luggage,
- (28) Light machinery such as lawn mowers,
- (29) Machine tools such as drills, saws,
- (30) Mattresses and bedding,
- (31) Metal finishing, plating, stamping, or extrusion,
- (32) Medical supplies,
- (33) Mirror silvering and glass cutting,
- (34) Musical instruments,
- (35) Optical equipment, clocks and similar precision instruments,
- (36) Orthopedic or medical appliances,
- (37) Paper products and paper board products, not including paper rolling or manufacturing,
- (38) Perfumes, compounding only,
- (39) Plastic products,
- (40) Printing or publishing,
- (41) Rubber products, not including manufacture of natural or synthetic rubber,
- (42) Silverware and silver products, and silverplating,

- (43) Soap and detergent packaging only,
- (44) Soldering and welding operations,
- (45) Sporting goods and athletic equipment,
- (46) Stationery,
- (47) Steel products, miscellaneous manufacturing and assembly,
- (48) Tobacco products,
- (49) Tool and die shops, pattern making and similar operations,
- (50) Toys,
- (51) Upholstering,
- (52) Venetian blinds, window shades and similar products,
- (53) Wax products,
- (54) Wood products,
- (55) Accessory uses, including retail sales incidental to the principal use, and dwellings for caretakers only

f. Commercial service uses

- (1) Animal hospitals, maintained and operated so as to produce no objectionable noise or odor beyond its building,
- (2) Automobile, motorcycle, or boat sales and repair,
- (3) Automobile laundries, provided the lot contains a reservoir of space for at least forty (40) automobiles and space is provided for at least twenty (20) automobiles for each washing lane,
- (4) Automotive service stations and public garages,
- (5) Carpet cleaning,
- (6) Dry cleaning,

- (7) Eating places,
 - (8) Electrical, glazing, heating, painting, plumbing, roofing, ventilating, and similar contractor's establishments,
 - (9) Exterminating establishments,
 - (10) Frozen food lockers,
 - (11) Funeral homes,
 - (12) Household or office machinery repair shops,
 - (13) Laundries, linen, towel and diaper cleaning and supply,
 - (14) Machinery rental or sales establishments,
 - (15) Photographic developing and printing,
 - (16) Radio and TV stations whose tower shall be so located that its minimum distance from any lot line will equal the maximum height of the tower above ground level,
 - (17) Sign painting shops,
 - (18) Soldering or welding shops,
 - (19) Taxidermist
 - (20) Tire sales and installation.
- g. Off-street parking, subject to the provisions of Article IX herein.
- h. Accessory signs as follows, and subject also to the provisions of Article I, Chapter 3 herein; and provided that the maximum height shall be 10 feet above finished grade level, and in no case above the roof line if affixed in any manner to the wall of a building or other structure. No signs shall project beyond a lot line, and not more than 12 inches when affixed in any manner to the wall of a building or other structure.
- (1) One nameplate with indirect illumination and with an area not exceeding one square foot for dwellings.

- (2) One non-illuminated "for sale" or "for rent" sign with an area not exceeding four square feet.
- (3) One non-illuminated sign erected in connection with new construction and displayed only during the time that actual construction is in progress, with an area not exceeding 20 square feet.
- (4) Except as otherwise provided in this Section, one accessory business sign for each use shall be affixed to the wall of the principal building. Such sign facing a street shall not exceed one square foot of surface area for each linear foot of street frontage up to a maximum of 75 square feet. Such sign may be indirectly illuminated. An additional sign may be located on the wall of the principal building facing off-street parking spaces as regulated in this paragraph (4).
- (5) An integrated development of two or more permitted uses on a single lot, may also have one sign identifying the development. Such sign (a) shall be limited to 20 square feet of surface area, (b) may be indirectly illuminated, (c) shall have a maximum height of 10 feet, and (d) may be located in a front or side yard, but not closer than 20 feet from any lot line.
- (6) Automotive service stations shall comply with all applicable sign regulations of this Section 51-02 h, and in addition may have one freestanding accessory business sign on which current fuel prices may be displayed. The fuel price information shall be included in the total surface area of such sign. Each fuel pump may have a sign identifying the product dispensed limited to one square foot of surface area.
- (7) A sign permitted by paragraph (5) or (6) above and facing an existing dwelling or within 100 feet of a residence district shall be non-illuminated and limited to 16 square feet of surface area.
- (8) If the provisions of this Section 51-02 h do not apply directly to a sign requested

for a permitted use, the Zoning Administrator shall make a written interpretation of this Section and maintain a permanent record for that application.

- i. Where the boundary of a lot is coincident with the boundary of a residence district, screening shall be provided as follows:
 - (1) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or
 - (2) A wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto except one whose area does not exceed two square feet designating the entrance or exit to the facility. Such sign shall not exceed six feet in height above street level.

51-03

Bulk Regulations

No minimum lot area or lot width is required, provided that all lots are of sufficient size to permit conformance to all of the provisions of this Ordinance and other applicable provisions of County and State law.

- a. The total floor area of a building or other structure shall not exceed 0.50 times the lot area.
- b. No building or other structure shall cover more than 0.50 times the lot area.
- c. Minimum front yard for all uses shall be 75 feet.
- d. Minimum side yards for all uses shall be required under the following conditions:
 - (1) When two adjacent buildings do not abut each other or do not have a common wall, an access-way of at least 12 feet wide must be

created and preserved between such adjacent buildings and must be free of projections or other obstructions which would prohibit the free passage of service or emergency vehicles and for fire protection;

- (2) No building or group of adjacent buildings shall have a dimension greater than 200 feet for a wall nearest a public street without providing an access-way from the front to the rear of the lot measuring at least 12 feet in width; and
 - (3) Where the boundary of a lot is coincident with the boundary of a residence district, a side yard, adjacent to such boundary, at least 70 feet must be created and preserved.
- e. Minimum rear yard for all uses shall be 70 feet.
- f. A rear yard shall not be required when a rear lot line coincides with a railroad right-of-way; and a side yard shall not be required when a side lot line coincides with a railroad right-of-way.
- g. Permitted obstructions in yards shall include:
- (1) arbors, trellises, or flag poles;
 - (2) screening, including fences and walls in accordance with the provisions of this Ordinance;
 - (3) open accessory off-street parking in accordance with the provisions of Article IX herein;
 - (4) eaves, gutters or downspouts, and may project not more than 16 inches;
 - (5) unenclosed porches, terraces, open decks, uncovered steps, fire escapes, planting boxes, balconies, or air conditioning units, and the like, and may project not more than 6 feet;
 - (6) awnings, canopies, and the like if at least 10 feet above finished grade level, and may project not more than 8 feet;
 - (7) sills, leaders, belt courses, and the like, and may project not more than 2 inches;

- (8) bay windows, chimneys, and the like, and may project not more than 3 feet;
 - (9) accessory signs, but at least 20 feet from any lot line;
 - (10) accessory uses in accordance with the definition of accessory use in Article I, Chapter 2, herein; and
 - (11) provisions of Article I, Chapter 4, Additional Bulk Regulations, herein.
- h. Maximum height for all uses shall be 35 feet, except signs.
- i. Permitted height obstructions shall include the following incidental appurtenances:
- (1) chimneys;
 - (2) elevator or stair bulkheads;
 - (3) roof solar panels, water tanks, or cooling towers;
 - (4) flagpoles and antennas;
 - (5) parapet walls or railings not in excess of four feet.

Chapter 2 Performance Standards

All uses permitted in an Industrial district shall conform to the provisions of this Chapter 2.

52-01 Documentation

At the time of filing an application in accordance with the provisions of Article I, Chapter 5, Development Plan Review, the applicant shall submit a certified engineer's report (a) describing the proposed operation, all machines, processes, products and by-products; (b) stating the nature and expected levels or emission or discharge to land, air and water of liquid, solid or gaseous effluent and electrical impulses and noise under normal operations; and (c) the specifications of treatment methods and mechanisms to be used to control such emission or discharge. The Zoning Administrator shall review the applicant's submission for compliance.

52-02 Air Pollution

The rules and regulations of the State Air Pollution Control Board shall apply to the emission of air contaminants from any source related to the permitted use.

52-03 Sound

- a. For the purpose of this Chapter, the following terms are defined:

Decibel

A decibel is a unit of measurement of the intensity of sound (the sound pressure level).

Sound Level Meter

A sound level meter is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in decibels.

Octave Band

An octave band is one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such octave bands serve to define the sound in terms of its pitch components.

Octave Band Analyzer

An octave band analyzer is an instrument used in conjunction with a sound level meter to measure sound in each of eight octave bands.

Impact Noises

Impact noises shall be measured by means of an impact noise analyzer. Impact noises are those whose peak values fluctuate more than six decibels from the steady values indicated on the sound level meter set at fast response.

Impact Noise Analyzer

An impact noise analyzer is an instrument used in conjunction with the sound level meter to measure the peak intensities of short duration sounds.

- b. For the purpose of measuring the intensity or frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed. The "C" network and the "slow" meter response of the sound level meter shall be used. Sounds of short duration, which cannot be measured accurately with the sound level meter, shall be measured with an impact noise analyzer to determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth below in paragraph c may be increased by six decibels.
- c. The number of decibels shall not exceed the maximum permitted for the designated octave band set forth herein as measured on the lot line of the permitted industrial use:

In the enforcement of this regulation, sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel levels.

<u>Octave Band</u> <u>(cycles per second)</u>	<u>Maximum Decibels</u>
20 to 75	72
75 to 150	70
150 to 300	65
300 to 600	59
600 to 1,200	55
1,200 to 2,400	47
2,400 to 4,800	41
above 4,800	39

- d. Whenever an industrial district adjoins a residence district, at any point at the district boundary or within the residence district, the maximum permitted decibel level in all octave bands shall be reduced by six decibels from the maximum levels set forth above in paragraph c.

52-04

Vibration

- a. For the purposes of this Chapter the following terms are defined:

Steady State Vibrations

Steady state vibrations are earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 60 times per minute shall be considered to be steady state vibrations.

Impact Vibrations

Impact vibrations are earth-borne oscillations occurring in discrete pulses at or less than 60 pulses per minute.

Frequency

Frequency is the number of oscillations per second of a vibration.

Three-Component Measuring System

A three-component measuring system is a device for recording the intensity of any vibration in three mutually perpendicular directions.

- b. Measurements shall be made with a three-component measuring system. The displacement shall be the maximum instantaneous vector sum of the amplitude in the three directions.

- c. The maximum steady-state vibration displacement in inches per second shall be as follows:
- (1) 0.02 when measured at an adjoining residence district boundary line.
 - (2) 0.05 when measured at a lot line adjacent to the vibrating activity.
- d. Impact vibrations may be at twice the maximum for steady-state vibration.

52-05 **Glare, Humidity, Heat**

Any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond any lot line.

Required lighting, or lighting permitted by this Ordinance shall not produce glare in residence districts in excess of 0.5 candles.

52-06 **Radioactivity**

Radioactive emissions shall comply with the regulations of the U.S. Atomic Energy Commission set out in Chapter 1 of Title 10 of the Code of Federal Regulations which apply to byproduct material, source material and special nuclear material, as those terms are defined in section 11e., z., and aa. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e), (z), and (aa)), and the Radiation Health and Safety Act of 1968 (PL 90-602), as amended, or the implementing regulations of the Virginia Department of Health established pursuant thereto.

52-07 **Solid Waste and Liquid Pollution**

The discharge or other release of liquid or solid waste into public sanitary sewers, storm drains, or public waters shall comply with all applicable laws, rules, and regulations governing such discharge or release, including but not limited to the Federal Water Pollution Control Act; the Virginia Water Control Law; and the Chesapeake Bay Preservation Act.

ARTICLE VI NONCONFORMING USES

Chapter 1 Purpose of Regulations

The zoning districts established in this Ordinance are designed to guide the future use of the County's land by encouraging the development of desirable residential, retail, and industrial areas with appropriate groupings of compatible and related uses and thus to promote and to protect public health, safety, comfort, prosperity, and other aspects of the general welfare.

As a necessary corollary to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The regulations governing nonconforming uses set forth in this article are therefore adopted to provide a gradual remedy for existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes.

While such uses are generally permitted to continue, these regulations are designed to restrict further investment in such uses, which would make them more permanent establishments in inappropriate locations.

Chapter 2 General Provisions

62-01 Continuation of Nonconforming Use

A nonconforming use may be continued, except as otherwise provided in this article.

62-02 Change of Nonconforming Use

A nonconforming use may be changed to another nonconforming use that is the same or of a more restricted operation or activity. In making such a determination the Zoning Administrator shall consider the traffic generating capacity of the use, the noise, glare, and other characteristics that would be detrimental to the well-being of permitted uses in the zoning district in which the nonconforming use is located.

A nonconforming retail or industrial use in an agricultural or residential district may be changed only to a conforming use.

62-03 Enlargement or Extension

A nonconforming use may be enlarged or extended only as follows:

- a. To accommodate a conforming use.
- b. To comply with the area, yard or height requirements for residential uses.
- c. Subject to the provisions of Article I, Chapter 5, Development Plan Review, herein a nonconforming use may be enlarged up to 40 percent of its existing floor area provided that such enlarged use is in accordance with the bulk regulations of the zoning district in which it is located, and the off-street parking and loading regulations of Article IX, herein.

A nonconforming use may not otherwise be enlarged or extended except in accordance with the provisions of this Article.

62-04 Repairs or Alterations

Repairs and residential alterations may be made in an existing building or structure substantially occupied

by a nonconforming use. For the purposes of this chapter repairs and incidental alterations shall mean:

- a. Changes or replacements in the non-structural parts of a building or other structure, without limitation to the following examples:
 - (1) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created thereby;
 - (2) A minor addition on the exterior of a residential building, such as an open porch;
 - (3) Alteration of interior non-load-bearing partitions in all other types of buildings or other structures;
 - (4) Replacement of, or minor changes in, the capacity of utility pipes, ducts, or conduits; or
 - (5) Changes in the message of signs;
- b. Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
 - (1) Making windows or doors in exterior walls
 - (2) Replacement of building facades

Except as applied to nonconforming signs, structural alterations may be made to comply with requirements of law, or to accommodate a conforming use.

62-05

Nonconforming Lots of Record

In those cases where a permitted building or structure cannot be constructed, erected, relocated or altered on a lot recorded before the effective date of this Ordinance because of the area or yard provisions of the zoning district in which such lot is located, an application for a variance may be initiated in accordance with the provisions of this Ordinance.

A use made nonconforming because of an eminent domain proceeding, shall not be deemed a nonconforming use.

62-06

Damage or Destruction

No building or structure damaged by any cause whatsoever to an extent of fifty percent or more of its total floor area shall be restored, repaired, replaced, or used except in accordance with the provisions of this ordinance and completed within 12 months of the date of said damage or destruction.

62-07

Discontinuance

If, for a continuous period of two years, either a nonconforming use is discontinued, or the active operation of substantially all the nonconforming uses in any building or structure is discontinued, such land, building, or structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

The provisions of this section shall not apply where such discontinuance of active operations is directly caused by war, strike, or other labor difficulties, a governmental program of materials rationing, or the construction of a duly authorized improvement project by a governmental body or a public utility company.

ARTICLE VII PLANNED DEVELOPMENT REGULATIONS

Chapter 1 Purpose

In the proper circumstances, large-scale development should be encouraged to take place in appropriate locations. The objectives of such a policy include:

- a. Achieving a more desirable living environment and a more functional and efficient retail or industrial operation.
- b. Stimulating a more creative approach to land development.
- c. Encouraging a more efficient, aesthetic and desirable use of open space.
- d. To encourage harmonious variety in the physical development pattern of the County.
- e. Accomplishing the goals of the Comprehensive Plan.

The purpose of planned development regulations is to allow diversification in the relationships of various buildings or other structures and open spaces in planned building groups and the allowable heights of the buildings and other structures while ensuring substantial compliance with the district regulations and other provisions of this Ordinance. Adequate standards as set forth in this Ordinance are designed to protect the public health, safety, and general welfare without unduly inhibiting the advantages of modern large-scale planning and development.

71-01 Applicable Regulations

Population density and building intensity of any proposed area for development is to remain unchanged and conform to the basic overall provisions of the zoning district in which development is to take place.

71-02 Development Plan Review

An application for a building permit to construct a planned development shall be accompanied by the same material required by the provisions of Article I, Chapter 5 herein.

71-03

Pre-Application Conference

A planned development applicant shall meet with the Zoning Administrator and other qualified County officials to review the application plan and proposal prior to its submittal for review. This process is required to ensure a smoother procedure during the development plan review.

Chapter 2 Use and Bulk Regulations

72-01 Use Regulations

Unless otherwise provided by the provisions of this Ordinance, planned developments shall be subject to the use regulations of the zoning district in which such planned development is permitted. Off-street parking and loading spaces shall be provided in accordance with the provisions of Article IX of this Ordinance. Signs shall be permitted and regulated according to the provisions of the zoning district in which such signs are permitted and by the provisions of Article I, Chapter 3 herein.

72-02 Bulk Regulations

Planned developments may group or cluster buildings and thus reduce specified minimum bulk regulations. This design alternative is intended to encourage permanent preservation of open space and a more efficient and improved use of the land to provide better building sites by taking advantage of topography and minimizing grading or the destruction of natural vegetation. Planned developments shall not be approved where the clear purpose of the design is to subvert the purposes of these regulations by inclusion of excessively unbalanced distribution of land among lots or inclusion of open spaces which are inappropriately located or which will not contribute to the future amenity of the development. The minimum bulk regulations shall be as follows except for waterfront lots, and lots fronting upon a U.S. highway or state primary highway:

- a. The minimum lot area for a planned development proposal shall be 5 acres.
- b. The maximum height of buildings shall be as regulated by the provisions of the zoning district regulations in which the planned development is a permitted use.
- c. The maximum density for single-family detached uses shall be as required by the provisions of the zoning district. The maximum density for all other dwellings shall be four dwelling units per acre.
- d. No minimum lot width shall be required for each building.

- e. The minimum spacing between buildings shall be as required by the provisions of the zoning district.
- f. A minimum front, side and rear yard for residence uses may be reduced a maximum of 10 percent of those required by the provisions of the zoning district. The minimum front, side and rear yard requirements for all other uses shall be the same as required by the provisions of the zoning district in which the development is permitted.
- g. A lot within a flood plain, wetland, or covered by any body of water shall not be counted as lot area necessary to meet the density requirements of this Ordinance.

ARTICLE VIII OVERLAY DISTRICTS

Chapter 1 . Historic Districts

81-01 Purpose

The purpose of historic districts is to provide for protection against destruction of or encroachment upon historic areas, buildings, monuments or other features, or buildings and other structures of recognized architectural significance which contribute to the cultural, social, economic, political, artistic or architectural heritage of the County and the Commonwealth of Virginia. It is also the purpose of such districts to preserve designated historic areas and landmarks and other historic or architectural features, and their surroundings from destruction, damage, defacement, and incongruous development or uses of land. The regulations that follow are designed to ensure that buildings or other structures, streets, and walkways shall be erected, constructed, altered, relocated, or restored to be architecturally compatible with the character of the general area in which they are located and with the historic buildings or other structures within these districts.

81-02 Criteria For Establishing Historic Districts

The boundaries of an historic district shall be drawn to include landmark areas containing buildings or other structures or places in which historic events occurred or have special value to the public because of notable features relating to the culture or artistic heritage of the community. These should be of such significance as to warrant conservation and preservation. These districts may include either individual buildings or other structures or places or an area within a reasonable distance beyond. They may also include areas or groupings of buildings or other structures which have significance because of their development patterns or social, economic, or architectural interrelationships even though some buildings or other structures might not possess significant merit when considered alone. In any case, the location of the district shall be based upon careful studies which describe the characteristics of the area and support the purposes of conservation and preservation.

81-03 **Inventory of Landmarks and Contributing Properties
Established**

The Architectural Review Board (hereafter referred to as ARB) established in this Article VIII shall prepare and recommend for adoption as a part of this Ordinance an inventory map of the landmark areas to be considered for inclusion in an historic district. Such a map shall be as much a part of this Ordinance as if fully described herein and shall be filed as a part of this Ordinance. All landmark buildings or other structures or places designated on said map shall be considered as landmarks for the purposes of this Ordinance. Buildings or other structures, or places designated as properties which contribute to the historic character of the County but which do not contain landmark buildings or other structures or places shall be known as contributing properties. All other properties shall be known as non-contributing properties. The inventory map may be amended in the same manner as the Zoning Map.

81-04 **Establishing Historic Districts**

To enable the historic districts to operate in harmony within the purpose of this Ordinance, the district is created as an overlay district to be superimposed on other zoning districts. The overlay districts shall be designated by a special symbol for its boundaries on the Zoning Map.

The ARB may propose to the Board of Supervisors the establishment or revision of historic districts. Upon receipt of such proposal, the Board of Supervisors shall initiate an amendment in accordance with the provisions of Article X of this Ordinance. The ARB shall also submit at the same time with said proposal, a report to substantiate the establishment or revision of an historic district. Such report shall include a definition of the historic district boundaries as delineated upon an appropriate map; a description of the historic district, and the architectural significance of the buildings or other structures or places to be protected; special characteristics and qualities to be preserved; and a description of present trends and conditions, current and long-range planning, and desirable public objectives for preservation.

81-05 **Permitted Uses**

Within an historic overlay district all uses shall be permitted and regulated in accordance with the regulations applicable to the zoning districts over which the

historic district is superimposed except as otherwise provided in this Article VIII, or for a particular historic overlay district. The ARB shall submit a recommendation to the Zoning Administrator concerning every application for a building permit or use of land located within an historic district.

81-06 Limitations on Uses

No building permit, variance, or certificate of occupancy shall be approved where the operational characteristics would tend to destroy or encroach upon the character of the historic district.

No building or other structure or use of land shall be erected, constructed, altered, relocated, externally remodeled, altered, or occupied within any historic district unless approved by the ARB as compatible with the historical, architectural, or cultural aspects of the landmark. Nor shall any official historic landmark be razed, demolished, moved, or relocated unless approved by the ARB.

81-07 Architectural Review Board Established

For the purposes of this Article specifically and the purposes of this Ordinance generally, there is hereby created an Architectural Review Board (ARB) whose members shall be appointed by the Board of Supervisors.

81-08 Membership

The ARB shall be composed of five voting members who shall be residents of the County with a demonstrated knowledge of and interest in the preservation of historical and architectural landmarks. Where qualified residents cannot be found or are unwilling to serve, the Board of Supervisors may seek qualified members beyond the boundaries of the County. Membership shall be qualified as follows:

- a. At least one member shall be a registered architect.
- b. At least one additional member shall have professional training or equivalent experience in architecture, history, architectural history, archaeology, or planning.
- c. One member shall be a member of the Commission.

81-09 **Term of Office**

Members shall be appointed for a term of four years. Initial appointments shall be three members for four years, and the remaining members for two years. The term of any Commission member shall be concurrent with that member's appointment to the Commission. Vacancies shall be filled within 60 days.

81-10 **Organization and Rules**

The ARB shall elect from its own membership its officers who shall serve annual terms and may succeed themselves. Meetings of the ARB shall be called by the Chair as needed or by a majority of the members after 24 hours written notice to each member served personally or left at member's usual place of business or residence. Such notice shall state the time and place of a meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting or if all the members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the ARB. The ARB may establish the rules and forms for its procedures.

The Board shall establish procedures for all matters coming before it for review and all meetings shall be open to the public. Adequate notice shall be given to the applicants, but meetings need not be advertised in advance except in the case of a proposal to demolish or move a designated landmark or contributing property. Notice when required shall be the publication of an agenda in the newspaper of general circulation in the county seven days prior to the meeting.

ARB members shall disqualify themselves from participating in any way upon a matter before the ARB in which their financial interests or those of their immediate family are directly involved.

81-11 **Powers and Duties**

The ARB shall have the following powers and duties:

- a. To hear and decide applications for a building permit or a permit to demolish, move or relocate any officially designated historic landmark, building, or structure.

- b. To review and make recommendations on all applications for zoning changes, variances, and all submissions of site plans, development plans, subdivision plats, and grading plans.
- c. To propose the establishment of historic overlay districts as well as the revisions of existing districts.
- d. To assist and advise County officials in matters involving historically significant sites and buildings and other land use in the historic districts.
- e. To advise owners of historic landmarks, buildings or structures on problems of preservation.
- f. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such markers.
- g. To cooperate with and enlist assistance from the Virginia Historic Landmarks Commission, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic and aesthetic landmarks, buildings or other structures or places.
- h. To maintain an accurate record of all of its activities.
- i. To periodically review a list of exemptions contained in Section 81-12 of this Article and make appropriate recommendations for additions or deletions.
- j. To prepare and adopt specific guidelines for buildings or other structures and places in historic districts which have special characteristics and architectural features which are peculiar to the district and which should be preserved and to make these guidelines available to property owners within the historic district as well as to the general public. After an historic district is approved, specific guidelines shall be adopted for such districts as may be required.

Minor Actions Exempted from Review

The following minor action may be undertaken without review and recommendation by the ARB:

- a. Repainting of exterior surfaces except that the original painting of masonry surfaces shall be subject to review.
- b. Except on landmark buildings and structures, replacement of broken or missing window panes, roofing slates, tiles or shingles, on outside doors, window frames, or shutters where no substantial change in design or material is proposed.
- c. Addition or deletion of storm doors or storm windows, window boxes, awnings, canopies, portable air conditioners located in existing windows, doors or other existing wall openings, or similar appurtenances.
- d. Addition or deletion of television and radio antennas, skylights, and solar collectors in locations not visible from a public street.
- e. Landscaping involving minor grading, walks, low retaining walls, temporary fencing, small fountains, ponds and the like, which will not substantially affect the character of the property and its surroundings.
- f. Minor additions or deletions to a main or accessory building or other structure which will not substantially change its architectural character or which are not within public view.
- g. Construction of accessory buildings or other structures on properties which are not designated as landmark or contributing properties and which are generally in keeping with the character of the existing structure and its surroundings.
- h. Erection of any sign permitted in a residence district and any permitted non-illuminated flat wall sign not exceeding 32 square feet in surface area in a retail or industrial district.
- i. Construction of off-street loading and off-street parking spaces containing five spaces or less in a retail or industrial district.

- j. Creation of outside storage in a retail or industrial district which does not require structural changes or major grading and is not visible from a public street.

Provided however that the Zoning Administrator shall have authority to order that work be stopped and that an appropriate application be filed for review by the ARB where the action may have an adverse effect on the historic district. An adverse effect may be violent contrasts of materials or colors and intense, or lurid colors or patterns, or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district.

81-13

Actions Subject to Review

For the purposes of the Article VIII, alterations shall be defined as all work done on buildings or other structures or places in an historic district other than those specifically exempted by Section 81-12, and work done to prevent deterioration or to replace or restore a building or other structure with similar materials to correct deterioration or decay.

Alterations include:

- a. Construction of a new main or accessory building or other structure at any location within the historic district.
- b. Any addition to or alteration of a building or other structure which increases its floor area or otherwise alters substantially its size, height, contour or outline.
- c. Any change or alteration of the exterior architectural style of a contributing or landmark building or other structure.
- d. Addition or removal of one or more stories or the alteration of a roof line.
- e. Landscaping which involves major changes of grade or walls and fences more than three-and-one-half feet in height.
- f. All signs except those exempted in Section 81-12.
- g. Any other major actions not specifically covered by the terms of this Section but which would have

a substantial effect on the character of the historic district.

A request for an interpretation of this Chapter may be made to the Zoning Administrator prior to commencement of work.

81-14

Maintenance and Repair Required

All buildings and other structures in an historic district shall be preserved against decay, deterioration, and structural defects that may, in the opinion of the ARB, result in irreparable damage to such buildings or other structures or to the character of the historic district as follows but not limited to:

- a. The deterioration of exterior walls or other vertical supports;
- b. The deterioration of roofs or other horizontal members;
- c. The deterioration of exterior chimneys;
- d. The deterioration or crumbling of exterior plaster or mortar;
- e. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
- f. The peeling of paint, rotting, holes, and other forms of decay;
- g. The lack of maintenance of the surrounding environment e.g. fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- h. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition.

After notice by the ARB by certified or registered mail of specific instances of failure to maintain or repair, and of an opportunity to appear before the ARB, the owner of said building or other structure shall have 90 days to remedy such violation.

Thereafter, each day during which there exists any violation of this Section shall constitute a separate offense and shall be punishable as provided in this Ordinance.

In the alternative, if the owner fails to act after due notice, the ARB may order the Zoning Administrator, to enter the property and cause to be made such repairs as are necessary to preserve the integrity and safety of the building or other structure. The reasonable costs of such repair shall be placed as a lien against the property or, in a proper hardship case, paid by the County from a fund established for such purposes.

81-15 Hazardous Buildings or Structures

Nothing in this Article VIII shall prevent the razing or demolition of any building or other structure without a recommendation from the ARB of an unsafe condition that would endanger life or property, if such demolition is provided for in the Building Code or other applicable County ordinance. However, such action shall not be commenced without written approval of the County Manager verifying the conditions necessitating such action.

81-16 File of Actions to be Maintained

To provide guidance for the application of standards and guidelines, for the improvement of standards and guidelines, and for assistance to future applicants, and the promotion of consistent policies in guiding applicants toward better standards of design, the Zoning Administrator and the ARB shall maintain a file containing a record of all applications brought before them. These applications shall include appropriate drawings and photographs and the decisions of the Zoning Administrator and the ARB in each case. The file documents shall remain the property of the County but shall be held available for public review.

81-17 Standards for Review

In keeping with the purposes of this Article VIII, the ARB and the Zoning Administrator shall be guided by the standards and guidelines set forth herein. In the application of these standards and guidelines it should be recognized that an historic district may contain a considerable diversity in its architecture. Therefore, variety of architectural detail can be tolerated in such an area where such variety would not be acceptable in case of an area or where consistency in architectural detail is the key to preservation of the charm of the historic district in question.

81-18

General Guidelines for all Decisions

The following standards shall be used as general guidelines in the administration of this Chapter:

- a. The public necessity of the proposed construction, demolition, or use.
- b. The public purpose or interest in land, buildings or other structures to be protected.
- c. The historic or architectural value and significance of a particular building or other structure and its relationship to the historic value of the surrounding area.
- d. The age and character of an historic building or other structure, its condition and its probable life expectancy, and the appropriateness of the proposed changes to the period during which it was built.
- e. The general compatibility of the development plan and the exterior design arrangement, texture, and materials proposed to be used.
- f. The view of the building, structure, or area from an existing or future public street or road.
- g. The present character of the setting of the building, structure, or area and its surroundings.

81-19

Guidelines for New Construction

Where new construction is proposed, the design should take into account those special visual and spacial qualities that the historic district is established to protect, including building heights, scale of buildings, facade proportions and window patterns, size, shape, and proportions of entrance and porch projections, materials, textures, color, architectural details, roof forms, horizontal or vertical emphasis, landscaping, walls and fences. Since architectural styles and details vary from one section of an historic district to another, application of architectural guidelines for new construction should recognize relationships among buildings or other structures in the immediate setting rather than specific styles or details.

Guidelines for Rehabilitation, Repair or Alteration

- a. Every reasonable effort should be made to provide for the original or a compatible use of the building or other structure, or place, and its environment which requires minimal alteration.
- b. The distinguishing original qualities or character of a building or other structure, or place, and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided whenever possible.
- c. A building or other structure, and place should be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance should be discouraged.
- d. Changes which may have taken place in the course of time are evidence of the history and development of a building or other structure, or place, and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.
- e. Distinctive stylistic features or examples of skilled craftsmanship, especially hardware, woodworking, and masonry details which characterize a building or other structure, or place should be treated with special care.
- f. Deteriorated architectural features should be repaired rather than replaced whenever possible. In the event replacement is necessary the new material should match the material being replaced in size, shape, design, color, texture, and other visual quality. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g. The surface cleaning of structures should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should not be undertaken.

- h. Every reasonable effort should be made to protect and preserve archeological resources.
- i. Contemporary design for alterations and additions should not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the building or other structure in question, and its surroundings.
- j. Whenever possible, new additions or alterations should be undertaken in such a manner that if such additions or alterations were to be removed in the future, their essential form and integrity would be unimpaired.

81-21

Guidelines for Relocation

- a. Relocation should not have a detrimental effect on the structural soundness of the landmark building or other structure.
- b. Relocation should not have a detrimental effect on the historical aspects of other landmarks in the historic district.
- c. Relocation should provide new surroundings that would be harmonious and compatible with the historical and architectural aspects of the landmark.
- d. Plans for future use of the site after relocation should be appropriate at this location.
- e. Relocation should be the only feasible means of saving the structure from demolition or neglect.

81-22

Guidelines for Demolition

Before approving demolition, the following shall be applied:

- a. The building or other structure is not of such architectural or historic interest that its removal would be contrary to the public interest.
- b. The building or other structure is not of such interest or significance that it would qualify as a National, State or local historic landmark.

- c. The building or other structure would not contribute to the preservation and protection of an historic place or area of historic interest.
- d. Future use of the site after demolition would be appropriate.

81-23 **Guidelines for Signs**

Signs should relate to, rather than obscure and disrupt, the design elements of the building or other structure with which they are associated or to which they are attached. Signs should also be compatible with other signs, buildings or other structures along the street. Considerations for compatibility include dimensions, subject matter, materials, color, letter styles, legibility, lighting, overall effect, and placement on the lot or on the building or other structure. Permitted signs shall also be subject to the provisions of this Ordinance applicable to other signs.

81-24 **Guidelines for Parking and Loading Spaces**

Off-street parking and loading spaces shall be suitably landscaped and where appropriate screened from public view by fences, walls, or screen planting. It is recommended that paved parking and loading spaces other than driveways be located to the side or rear of the building or other structure and not located between a building or other structure and the street.

81-25 **Guidelines for Landscaping and Accessory Uses**

Plants, trees, fencing, walls, walkways, gazebos, and other outbuildings should be retained or designed to reflect the history and development of the building or other structure, or place. Underground utilities should be encouraged at all locations. Mechanical equipment should be placed in inconspicuous locations. Municipal utility appurtenances should be selected to harmonize with the character of the historic district or placed in inconspicuous locations.

81-26 **Right of Appeal**

- a. Any person aggrieved by a decision of the ARB may appeal such decision to the Board of Supervisors, provided such appeal is filed within 20 days of the ARB's decision. The appeal process shall include consultation with the ARB. The Board of Supervisors may affirm, reverse, or modify the

decision of the ARB, and its determination shall be forwarded to the Zoning Administrator.

- b. Any person aggrieved by any final decision of the Board of Supervisors, or any officer, department, board, or agency of the County, may appeal such decision to the Circuit Court of Richmond County for review by filing a petition at law setting forth the alleged illegality of the action of the Board of Supervisors. Such petition shall be filed within 30 days after the final decision is rendered by the Board of Supervisors. The filing of said petition shall stay the decision pending the outcome of the appeal to the Court, except a decision of the Board of Supervisors denying the right to raze or demolish any historic landmark, building or other structure. The Court may reverse, modify, or affirm the decision of the Board of Supervisors.

81-27

Offer to Sell

In addition to the right of appeal set forth in this Chapter 1, the owner of an historic landmark, building or other structure, shall, as a matter of right, be entitled to raze or demolish such landmark, building or other structure, provided that:

- a. The owner has applied to the ARB and Board of Supervisors for such right;
- b. The owner has for the period of time set forth below and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or other structure, and the land pertaining thereto, to any government entity which gives reasonable assurance that it is willing to preserve and restore such landmark, building or other structure and the land pertaining thereto; and
- c. No bona fide contract, shall have been executed for the sale of any such landmark, building or other structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth below. Any appeal which may be taken to the Court from the decision of the Board of Supervisors, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made

more than one (1) year after a final decision by the Board of Supervisors, but thereafter the owner may renew his request to approve the razing or demolition of the historic landmark, building or other structure. The time schedule for offers to sell shall be as follows:

- (1) Three months when the offering price is less than \$25,000.
- (2) Four months when the offering price is \$25,000 or more, but less than \$40,000.
- (3) Five months when the offering price is \$40,000 or more, but less than \$55,000.
- (4) Six months when the offering price is \$55,000 or more, but less than \$75,000.
- (5) Seven months when the offering price is \$75,000 or more, but less than \$90,000.
- (6) Twelve months when the offering price is \$90,000 or more.

81-28 Administrative Process

Applications for building permits within an historic district shall be processed in accordance with the procedures set forth in this Chapter. A copy of the application and all required documentation shall be referred to the ARB.

81-29 Required Documentation

Applicants shall submit at least three copies of documents required for compliance with this Article VIII. The ARB may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed signs with appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of buildings or other structures with important relationships to public view including indications regarding construction materials, design of doors and windows, colors, and relationships to adjoining structures, and such other information as is necessary for it to determine compliance. Requests for approval of activities proposed in historic districts shall be accepted only from the record owner or agent.

For minor actions not required to be reviewed by the ARB and which may be approved by the Zoning Administrator, an application shall be submitted on a form provided by the County to determine if the proposed action is exempt from review by the ARB. Should the proposed action not be capable of adequate description on the application form, the Zoning Administrator may require additional information, including photographs, sketches, and samples of materials or such other information as may be required for a decision.

81-30 Review by ARB

An application for a building permit shall be granted within 60 days after the filing of the application accepted as complete unless the applicant agrees to an extension. Except as otherwise provided in Section 81-33, failure to render such a decision within the agreed upon time shall be deemed an approval of the application. A building permit shall be issued upon a written agreement by the applicant to comply with the conditions embodied in the decision of the ARB.

81-31 Expiration of Permits

Any permit issued pursuant to this Article shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced or is suspended or abandoned by the end of such 12 month period. Any period during which the right to use any such permit is stayed pursuant to this Article VIII shall be excluded from the computation of the 12 months.

81-32 Inspection by Zoning Administrator

The Zoning Administrator shall inspect the work approved by such permit and shall give prompt notice to the applicant of any work in violation thereof or of any other ordinances of the County. The Zoning Administrator may revoke the permit if violations are not corrected by the applicant in a timely manner.

81-33 Delay of Approval

Where the ARB or Board of Supervisors cannot reach an agreement with the owner, either entity may delay the effective date of an approval for a period of 3 months from the date of an approval or appeal required by Section 81-30 above, to enable negotiations to take place for the acquisition of the landmark, building or other structure, or place. Failure of such negotiations

shall be deemed a denial of the application by the ARB, or an appeal to the Board of Supervisors.

81-34 .Conditions for Approval

The ARB or Board of Supervisors may impose such conditions as deemed reasonable before approving an application for a building permit in keeping with purposes of the Ordinance.

81-35 Other Required Approvals

Where a proposal also requires the approval of the Board of Zoning Appeals, final action by the Board shall precede final action by the ARB. The Board may however, table a proposal to request the comments of the ARB. Final action by the ARB shall be taken prior to consideration of proposals requiring development plan approval. Preliminary subdivision plats shall be reviewed and commented upon by the ARB prior to final action by the Commission.

Chapter 2 CB Chesapeake Bay Protective District

82-01 Purpose

In keeping with the findings and purpose of the Chesapeake Bay Preservation Act, Chapter 21, Title 10.1 of the Code of Virginia, the land use and development regulations that follow are designed to, among other things,

- a. protect the economic and environmental integrity of the Chesapeake Bay;
- b. reduce water pollution and enhance water quality and encourage the growth of aquatic life; and
- c. control flooding and shoreline erosion.

The provisions of this Chapter shall be interpreted and words defined to avoid conflict with the provisions of the Chesapeake Bay Preservation Act.

82-02 County Designation

The natural features of Richmond County include topographic variety as well as a variety of water bodies, wetlands, streams, creeks, and rivers that are major tributaries to the Chesapeake Bay. Inappropriate land use and development will have an adverse impact upon the environment and economic well-being of the State and the County. The environmental and economic quality of the Chesapeake Bay is of vital importance to the State and the County. Therefore, Richmond County in its entirety is hereby designated a CB Chesapeake Bay Protective District.

82-03 Applicability

Every use of land in a CB Chesapeake Bay Protective District shall be subject to the provisions of Article I, Chapter 5, Development Plan Review herein, and Part IV, Land Use and Development Performance Criteria, of the final regulations, VR 173-02-01, of the Chesapeake Bay Local Assistance Board.