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APPENDIX A

APPENDIX B
ARTICLE I. IN GENERAL

Sec. 24.1-100. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance." Any reference to this chapter shall be deemed to include both the text of this chapter and the zoning map, and all subsequent amendments thereto.


(a) The zoning ordinance is designed and adopted in accordance with the direction provided by the York County Comprehensive Plan, specifically the Comprehensive Plan, Charting the Course to 2010, adopted December 5, 1991, as amended, to promote, in accordance with present and probable future needs and resources, the health, safety, order, convenience, prosperity, and general welfare of the citizens of the county. To these ends the zoning ordinance is designed to give reasonable consideration to each of the following, where applicable:

(1) to provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers;

(2) to reduce or prevent congestion in the public streets and facilitate the use of all transportation modes;

(3) to facilitate the creation of a convenient, attractive and harmonious community;

(4) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements and to ensure the effective management and stewardship of the public investment in same;

(5) to protect against destruction of or encroachment upon historic areas;

(6) to protect against the following: overcrowding of land, undue density of population in relation to community facilities, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers;

(7) to encourage economic development activities that provide desirable employment and enlarge the tax base;

(8) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;

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

(10) to promote affordable housing;

(11) to promote the proper use, management, and protection of sensitive and unique lands that contribute positively to the economy of the region, and the environmental quality of county lands and adjacent waters; and

(12) to protect the water resources of the county, including groundwater, surface water, and those geological and ecological features that contribute to water quality and quantity.
(b) The zoning regulations and districts established herein have been drawn and applied, and shall be so applied in the future, with reasonable consideration for:

(1) the direction provided by the comprehensive plan, and especially the land use element;

(2) the existing use and character of property and surrounding properties;

(3) the suitability of property for various uses;

(4) the trends of growth or change;

(5) the current and future requirements of the community as to land for various purposes as determined by population, economic, and other studies;

(6) the county’s need for transportation, utilities, housing, schools, parks and recreation areas, and other public services and the need to effectively manage the public investment in the same;

(7) the conservation of natural resources;

(8) the preservation of floodplains;

(9) the preservation of agricultural and forestal lands; and

(10) the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the county.

Sec. 24.1-102. Effective date.

(a) This chapter shall be effective on 12:01 a.m., June 29, 1995, at which time chapter 24, Zoning, York County Code, and all amendments thereto shall be repealed.

(b) The adoption of this chapter shall not abate any pending action, liability or penalty of any person accruing or about to accrue, nor waive any right of the county under any provision in effect prior to the effective date of this chapter, unless expressly provided for in this chapter.


For the purpose of this chapter, certain words and terms shall be interpreted as follows:

(a) Words used in the present tense include the future tense; words in the singular number include the plural, and the plural number includes the singular unless the obvious construction and context of the wording indicates otherwise;

(b) The word “shall” is a mandatory requirement; the words “may” and “should” are permissive requirements;

(c) The word “lot” includes the words plot, parcel, premises, site.

(d) The word “includes” does not limit a term to the specified examples, but is intended to extend the term’s meaning to all other instances or circumstances of like kind, character, or class;

(e) The phrase “used for” includes the phrases arranged for, designed for, intended for, maintained for and occupied for;
(f) The terms “land use” and “use of land” shall be deemed also to include building use and use of building;

(g) The word “adjacent” means nearby and not necessarily contiguous; the words abutting or contiguous mean touching and sharing a common point or line;

(h) The word “person” includes individuals, partnerships, corporations, clubs or associations;

(i) Any reference to “this ordinance” or “this chapter” shall mean the zoning ordinance.

(j) References to sections of the Code of Virginia or the York County Code are applicable as of the effective date of this chapter. Subsequent changes to those sections, including renumbering, shall be deemed to be incorporated herein, mutatis mutandis.

(k) Any references to Metric (SI) units shall be disregarded and English units shall be used and shall control for all dimensional requirements in this chapter.

(l) References to supplementary documents, publications or regulatory materials shall be deemed to include any subsequent amendments, re-printings, updates or replacement volumes.

Sec. 24.1-104. Definitions.

Abandoned inactive borrow pit. An area of land which has been disturbed by surface mining or excavation and which has not been reclaimed or restored and in which mining activity is not currently underway and is not authorized to be reestablished by the terms of a valid use permit.

Accessory apartment. See Dwelling, Accessory unit.

Accessory structure. A subordinate structure detached from a principal structure, but located on the same lot, the use of which is incidental and subordinate to that of the principal structure or use.

Accessory use. A use of land or of a building, or portion thereof, incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Administrative permit. A permit which may be issued by the zoning administrator for certain types of uses identified in this chapter upon demonstration of compliance with all applicable standards, criteria and procedures for issuance as established herein.

Agriculture. The use of land for a bona fide agricultural operation involving the production for sale (but not the processing) of plants, animals, and agricultural products useful to man and including tilling of the soil, the raising of crops, horticulture, the keeping of agricultural animals and fowl, dairy and poultry operations, or any other similar and customary agricultural activity, but, for the purposes of this chapter not aquaculture, and including the customary accessory uses, among which may be a single-family detached residence, and accessory equipment normally associated with agricultural activities. Fruit, vegetables, eggs and honey are deemed agricultural products only prior to processing of any kind other than washing.

Aisle, traffic. The traveled way by which cars enter and depart spaces in parking lots.

All-weather surface. A surface which is passable in all weather conditions and is designed to support all reasonably anticipated loads in all weather conditions. An all-weather surface may be either pervious or impervious, however, it must not produce dust.

Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress, or an enlargement, whether by extending on a side or increasing in height, or moving of a building or structure from one location or position to another.

Amusement arcade. A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

Animal, agricultural. All livestock and poultry.

Animal, boarding establishment. A place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.
Animal, companion. Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, Vietnamese potbellied pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals.

Animal dealer. Any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barters companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.

Animal pound. A facility operated by the Commonwealth, or any political subdivision, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

Animal shelter. A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Aquaculture. The propagation, rearing, enhancement, and harvest of aquatic organisms (including but not limited to shellfish) in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water. Aquaculture also includes the land-based and pier-based aspects of aquaculture, including but not limited to shellfish aquaculture, conducted off-shore in marine waters, including but not limited to the docking of workboats, the off-loading of seafood, the on-land storage and maintenance of associated cages, floats, equipment, supplies and other materials, and their transfer from land to boat or boat to land.

Aquaculture facility. Any land, structure, or other appurtenance that is used for aquaculture, including any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture.

Arborist. An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees. This definition shall also incorporate the term urban forester.

Architect. An individual licensed by the Commonwealth of Virginia to practice architecture.

Architect, landscape. An individual certified by the Commonwealth of Virginia to practice landscape architecture.

Area of influence. (also referred to as service or trade area) The area from which a land use draws its customers or users or from which it can be reasonably expected to draw.

Automobile graveyard. An operation involving the dismantling or wrecking of used motor vehicles or trailers, or the storage, sales, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute prima-facie evidence of an automobile graveyard.

Automobile storage lot. An operation involving the temporary storage (typically ninety (90) days or less) of operable motor vehicles. This shall specifically include vehicle impound areas.

Average daily traffic (ADT). The average number of vehicles per day which pass over a given point on a roadway.

Bed and breakfast inn. A dwelling in which, for compensation, breakfast and overnight accommodations are provided for transient guests. When the establishment is located in a residential zoning district, the owner of the property shall live on the premises or in an adjacent premises and shall be the operator/provider of the bed and breakfast accommodations and services.

Berm. A mound of earth used to shield, screen, or buffer views, separate land uses, provide visual interest, decrease noise, or control the direction of water or traffic flow.

Best management practice (BMP). A practice, or combination of practices, that is determined by a state or the Hampton Roads Planning District Commission to be the most effective, and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.
Bikeway. A transportation facility designed to safely accommodate bicycle traffic. As defined in the comprehensive plan, bikeways are subdivided into three (3) general classes:

- **Class I** - bikeway is physically separated from the roadway by open space, a physical barrier, or both.
- **Class II** - bikeway is a designated and marked lane immediately adjacent to the travel lanes of a roadway.
- **Class III** - bikeway shares travel lanes of a roadway with other vehicles. Lanes may be wider to accommodate cyclists, but no specific lane designations are made.

Billboard. A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Board. The Board of Supervisors of York County, Virginia.

Boarding or lodging house. A dwelling other than a hotel, motel, bed and breakfast inn, or tourist home where, for compensation, meals or lodging are provided for three (3) or more nontransient guests.

Boathouse. An accessory structure which is constructed either wholly or partially over a body of water and which is designed primarily to provide shelter for water craft or for marine related equipment.

Borrow Pit. See Surface mine.

Bottom ash. Particulate matter, resulting from the burning of pulverized coal or other fossil fuel, which is collected from the floor of a boiler, furnace or combustion chamber.

Buffer. An area, fencing, landscaping, or a combination thereof which is used to separate one use from another or to shield or block noise, lights, glare, pollutants or other potential or actual nuisances.

Building. Any structure having a roof supported by columns or walls, including modular and prefabricated buildings, which is used for the shelter, housing, or enclosure of persons, animals, or chattels. Unless specifically exempted, all buildings must be constructed in accordance with all applicable provisions of the Virginia Uniform Statewide Building Code.

Building height. For the purposes of determining compliance with the maximum building height limits set forth in the various zoning districts established by this chapter, building height shall be measured, unless otherwise noted, as the vertical distance to: the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mid-point between the eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than ten feet (10') from the front lot line or from the average grade surrounding the structure in all other cases. In other instances where building or structural height is stipulated or addressed, "height" shall be measured to the roof ridgeline for gable, hip and gambrel roofs, to the highest part of the roof for other roof systems, and to the highest part of other structures, with all such measurements to be taken from the curb or from average grade, as provided in the preceding sentence.

Caliper. The diameter of a tree trunk measured six inches (6") above ground level for nursery stock and four and one-half feet (41/2') above ground level for all other trees.

Campground. An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and is operated in accordance with all applicable health department regulations for campgrounds.

Catering kitchen. A facility in which food is prepared and cooked in quantity and then transported from the premises by the caterer for off-premises serving and consumption at special events, receptions, parties, or similar activities.

Cemetery. Means any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. For the purposes of this chapter, all uses necessarily or customarily associated with interment of human remains, benches, ledges, walls, graves, roads, paths, landscaping and soil storage shall be considered part of the allowable "cemetery" use.

Certificate of occupancy. A document issued by the county pursuant to the Virginia Uniform Statewide Building Code permitting the occupancy or use of a building.

Child care center. A facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during a part of the day only, and operated in accordance with the provisions of section 63.2-1700, et seq., Code of Virginia.
Clear-cutting. The removal of more than twenty-five percent (25%) of the trees, shrubs, or undergrowth from a site with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, removal of dead trees, or normal mowing operations.

Clinic or emergency care center. An establishment where persons who are not lodged overnight are admitted for examination and treatment by a group of physicians or similar professionals practicing together.

Cluster subdivision. A form of residential development that concentrates dwellings in a specified area with a corresponding reduction in lot area and dimension requirements in order to allow the remaining land area to be devoted to perpetual common open space which may be used for recreation, both active and passive, and the preservation of environmentally sensitive areas. (See Figure I-1 in Appendix A.)

Code. Wherever the term “Code” is used, without further qualification, it shall mean the Code of the County of York, Virginia, as designated in section 1-1.

Commission. The York County Planning Commission.

Community center. A meeting place, either a building or a complex of buildings, used for recreational, social, educational and cultural activities.

Comprehensive plan. The York County Comprehensive Plan including all elements thereof and such elements as may hereafter be adopted in accordance with the provisions of section 15.2-2223, et seq., Code of Virginia.

Concession stand, information booth, display booth. A temporary structure established as an accessory use to a special event or celebration and from which items are sold or displayed.

Condominium. A building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis and which has been created by the recordation of condominium instruments pursuant to the provisions of chapter 4.2 of title 55, Code of Virginia.

Condominium association. The community association which administers and maintains the common property and common elements of a condominium.

Conservation easement. An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded conditions; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

Contractor. Any person, firm, association, or corporation that for a fixed price, commission, fee or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing or superintending in whole or in part, the construction, removal, repair or improvement of any building or structure permanently annexed to real property owned, controlled or leased by another person, or any other improvements to such real property including but not limited to clearing, grading or excavation.

Contractor’s shops and storage yards. Facilities and areas which are customarily used by contractors for storage of supplies, materials or equipment, fabrication, assembly or repair of materials or equipment, or places for vehicular and equipment storage.

Convenience store. A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast-food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales when in accordance with all applicable requirements of this chapter.

Convent/Monastery. A facility housing a group of individuals devoted to a religious life and existence, such as a group of monks, friars, or nuns, and in which the inhabitants live in a communal manner as a single residential unit with various shared facilities such as, but not necessarily limited to, cooking and meal preparation.

Conventional subdivision. The subdivision of a lot in accordance with both the lot size and dimension standards specified for the district in which located and the subdivision ordinance.

County. The word “county” shall mean the County of York in the State of Virginia unless otherwise designated.

County administrator. The county administrator of York County, Virginia, as appointed by the board, or his or her designee.
County attorney. The county attorney of York County, Virginia, as appointed by the board.

Court or plaza. An open, uncovered space, other than a yard, which may or may not have direct street access, and around which is arranged a single building or a group of related buildings.

Cul-de-sac. A minor street with only one (1) outlet and having an adequate turn-around at its terminus for the safe and convenient reversal of traffic movement.

Cut. A portion of the land surface or area from which earth has been or will be removed by excavation.

Density. The number of dwellings per unit of land.

< Gross density. Gross density is calculated by including all the land within the boundaries of a particular tract, parcel or area.

< Net density. Net density is calculated by excluding certain areas such as streets, easements, water areas, lands with environmental constraints, and such other areas as are specifically described in section 24.1-203.

Design hour. The peak traffic situation on a given street or at a given intersection expected to occur within a one-hour period during a typical day in the year a development is scheduled to be completely developed.

Design year. The year in which a development project is anticipated to be completely constructed and occupied, or twenty (20) years from initial development, whichever shall be later.

Detention basin. A manmade or natural water impoundment designed to collect surface and subsurface water in order to impede its flow and to release it gradually, at a rate not greater than that existing prior to the development of the property, into natural or manmade outlets or channels. Also referred to as a "dry pond."

Developer. The legal or beneficial owner or owners of a lot or of any land included in a given development including the holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in such land.

Development. The division of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, paving, grading, filling or land disturbance, or any use or extension of the use of land; provided however, as stipulated by Section 15.2-2201 of the Code of Virginia, the term shall not be construed to include any tract of land which will be principally devoted to agricultural production.

District or zoning district. A classification set out in this chapter and defined by a prescribed set of requirements and regulations which, when applied to a portion or portions of the county, uniformly governs the use of land and buildings within such areas.

Drainage. The removal of surface water or groundwater from land by drains, ditches, piping, grading, or other means.

Drainage facility. Any component of a drainage system.

Drainage structure. Any manmade component of a drainage system.

Drainage system. A system through which water flows from land, including all drainage structures, drainage facilities, watercourses, waterbodies and wetlands.

Drive-in establishment. An establishment which by design, physical facilities, service, or by method of sale encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Dry-Cleaning / Laundry (retail): An apparel service establishment of less than 7,500 square feet in floor area that offers laundry and dry-cleaning service primarily to retail customers who bring their clothing and other articles to the premises. The establishment may include on-premises laundering and dry-cleaning equipment. In addition to servicing walk-in retail customers, the establishment may also include laundering/dry-cleaning of articles delivered from other drop-off locations.

Dry-Cleaning / Laundry Plant (institutional): Any establishment that:

(i) has in excess of 7,500 square feet in floor area engaged in laundering and dry-cleaning services; or

(ii) is engaged primarily in providing on-premises laundering and dry-cleaning services for large
commercial or institutional accounts. This type of operation is also characterized by extensive truck traffic.

**Drugstore.** A pharmacy where the sale of non-drug, non-proprietary medications and other non-pharmaceutical items constitutes a portion of the retail business.

**Dwelling.** A building or portion thereof designed or used for residential purposes, but not including hotels, motels, motor lodges, tents, travel trailers, recreational vehicles, or similar accommodations.

**Dwelling, modular.** A type of single-family detached dwelling unit which is constructed in units which are movable, but not designed for regular transportation on highways, and which are designed to be constructed on and supported by a permanent foundation and by not a chassis (i.e., supporting rails) permanently attached to the structure and which meet the requirements of the Virginia Uniform Statewide Building Code. Structures constructed in accordance with the terms of the Virginia Industrialized Building Safety Regulations shall not be deemed “modular units” if they include a permanently attached chassis (i.e., supporting rails). If such chassis system can be removed and the unit can be supported by a permanent foundation meeting the requirements of the Virginia Uniform Statewide Building Code, then it shall be deemed a “modular unit.”

**Dwelling, multi-family.** A building or building arrangement consisting of two (2) or more dwelling units on a single lot.

**Dwelling unit.** A single unit of one or more rooms providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking, and sanitation.

<  **Dwelling, accessory unit/apartment.** A separate and complete housekeeping unit which provides complete and independent living, sleeping, and sanitation facilities, and which may or may not include permanent cooking facilities. Such unit may be contained within or outside of a primary residence but is clearly secondary to a primary single-family dwelling located on the same lot. When in a detached structure, the presence of a habitable room or rooms, as defined by the Virginia Uniform Statewide Building Code, including a living area and a bathroom with sink, toilet and tub or shower shall be considered to constitute an accessory apartment. When such habitable space is a part of the principal structure on the property, the presence of an independent entrance, a bathroom with sink, toilet, and tub/shower, and physical separation (by walls or floors) from the principal residence shall be deemed to constitute an accessory apartment.

<  **Dwelling, single-family attached.** A row or combination of at least two one-family dwelling units constructed in accordance with the terms of the Virginia Uniform Statewide Building Code, with each unit having separate outside access, each unit separated from any other unit by one or more common fire-resistant walls, and each unit located on a separate lot. The term “single-family attached” includes the following types of dwellings:

- **Duplex.** A one-family dwelling unit attached to one other one-family dwelling unit by a common vertical fire-resistant wall with each dwelling unit located on a separate lot.

- **Multiplex.** A one-family dwelling unit in a combination (back-to-back, side-to-side, or back-to-side) of at least three such units with each unit having at least two exterior walls, each unit separated from any other by common fire-resistant walls, and each unit located on a separate lot.

- **Townhouse.** A type of multiplex unit, in a row of at least three such units, with each having its own front and rear or side access to the outside, each unit separated from any other by common fire-resistant walls, and each unit located on a separate lot.

<  **Dwelling, single-family detached.** A one-family dwelling unit which is surrounded on all sides by yards or other open space located on the same lot and which is not attached to any other dwelling by any means. Such units shall be constructed in accordance with the terms of the Virginia Uniform Statewide Building Code and may include “modular units” if consistent with the definition and standards contained in this chapter.

**Easement.** A grant by one property owner to another, evidenced by a deed recorded with the clerk of the circuit court, of the right to use the described land for a specific purpose.

**Engineer.** An individual licensed by the Commonwealth of Virginia to engage in the practice of engineering.

**Environmental constraints.** Features, natural resources, or land characteristics that are sensitive to development activities or installation of improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment when developed.

**Environmentally sensitive areas.** Areas with one (1) or more of the following characteristics:
slopes in excess of twenty percent (20%);
100-year floodplains;
tidal or nontidal wetlands;
land formerly used for landfill operations or hazardous industrial or commercial use; or
Chesapeake Bay Preservation Areas

**Erosion.** The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

**Family.** An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit. For purposes of single-family residential occupancy, and in accordance with Section 15.2-2291.A. of the Code of Virginia, the term also shall be deemed to include no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities, together with one (1) or more resident or nonresident staff persons, living in a residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Code of Virginia. Mental illness and developmental disability does not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401, Code of Virginia.

In addition, in accordance with Section 15.2-2291.B. of the Code of Virginia, the term family shall be deemed to include no more than eight (8) individuals who are aged, infirm or disabled, together with one or more resident counselors or other staff persons, living in a residential facility for which the Department of Social Services is the licensing authority pursuant to the Code of Virginia.

**Farmer's market.** A place where farmers or other people who are engaged in truck farming gather regularly for the purpose of selling produce, goods and crafts produced at their farms. The sale of seafood is included in this definition.

**Fill.** The portion of land surface or area into which sand, gravel, earth, or other material is deposited to raise the elevation above the natural grade.

**Fire department.** The York County Fire and Rescue Service.

**Fire flow.** The flow of water in pipes at a rate and time duration necessary for fire suppression purposes.

**Flag lot.** (See Lot types.)

**Flea market.** An open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition shall not be construed to include sidewalk sales by retail merchants, fruit or produce stands, bake sales, or garage, yard or rummage sales held in conjunction with and incidental to residential uses or sponsored and conducted by religious, civic or charitable organizations on their own property.

**Floodplain.** (See section 24.1-373)

**Fly ash.** Fine particulate matter resulting from the burning of pulverized coal or other fossil fuel which is collected from flue gases.

**Forest management plan.** A written plan for the operation of a forest or woodland property utilizing accepted professional forestry principles which records data and prescribes measures designed to provide for the optimum use of all forest resources.

**Forestry.** The development or maintenance of a forest or woodland area under a forest management plan. Included are establishments engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or other silvicultural activities.

**Fowl.** Any domesticated or wild gallinaceous birds such as chickens, turkeys, grouse, pheasants and partridges.

**Frontage.** The distance along which a lot abuts a legally accessible street right-of-way.
**Full cut-off luminaire.** An outdoor lighting fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane defined by the fixture.

**Geodetic control network.** A system of survey monuments whose precise positions have been established and from which additional surveys can be derived. The geodetic control network in York County has two components:

- **Primary network.** A system of one hundred thirty (130) survey monuments located throughout the county, the precise positions and elevations of which have been established by rigorous ground and global positioning surveys, and which are fully referenced to the Virginia Coordinate System of 1983 (South Zone) and the 1983 North American Datum.

- **Secondary network.** A system of survey monuments located in and on subdivision boundaries and rights-of-way, the positions of which have been established by ground surveys.

**Glare.** A sensation of brightness within a person's visual field sufficient to cause annoyance, discomfort, distraction or loss of visual performance and visibility.

**Government office.** Any room, clinic, suite or building wherein the primary use is to conduct York County business such as accounting, correspondence, editing, enforcement, research, administration, analysis or maintenance operations. Included within this definition shall be the health department, social services department, school board administration and other similar functions and agencies.

**Grade.** The average of the finished ground level measured along a line ten feet (10') [3m] from all sides of the building.

**Group home.** A dwelling unit shared by more than four (4) unrelated disabled persons who live together as a single housekeeping unit which does not qualify as a “family” as defined in this chapter, and in which resident or non-resident staff persons provide or facilitate care, education, and participation in community activities for the residents with the primary goal of enabling persons who are intellectually, developmentally or physically disabled, or who because of age or physical infirmity, require the protection or assistance of a group setting, to live as independently as possible in order to reach their maximum potential, and for which the Virginia Department of Behavioral Health and Development Services or the Virginia Department of Social Services is the licensing authority. As used herein, the term "disabled" shall mean having:

- A physical or mental impairment that substantially limits one or more of a person's major life activities so that such person is incapable of living independently; or

- A record of having such an impairment; or

- Being regarded as having such an impairment.

"Disabled" shall not, however, include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

**Hardware Store.** A facility of 30,000 or fewer square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery; if greater than 30,000 square feet, such a facility is a “Home Improvement Center.”

**Health department.** The Commonwealth of Virginia Department of Health or an authorized official thereof.

**Helipad.** An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and any vertical takeoff and landing craft.

**Heliport.** A helipad including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**Highway or roadway capacity.** The maximum number of vehicles that can be expected to travel over a given section of roadway or a specific lane during a given time period under prevailing roadway conditions and prevailing traffic patterns and conditions.
Home Improvement Center. A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.

Home occupation. An accessory use of a dwelling unit or the property upon which it is located by the occupant of the dwelling for or with the intent of gainful employment involving the provision of goods or services.

Hospital, general care facility. An institution rendering medical, surgical or obstetrical care on an inpatient or outpatient basis.

Hotel. A facility offering transient lodging accommodations to the general public and frequently providing additional services such as meeting rooms, restaurants, entertainment, and recreational facilities.

Household pet. Animals that are typically and customarily kept for company or pleasure in the house or yard including: domesticated rabbits; hamsters; ferrets; gerbils; guinea pigs; Vietnamese potbellied pigs; pet mice and pet rats; turtles; fish; dogs; cats; birds such as canaries, parakeets, doves and parrots; non-poisonous spiders; chameleons and similar lizards; and non-poisonous snakes. Agricultural animals, game and wild species or hybrids thereof, poisonous snakes, or animals regulated under federal law as research animals shall not be considered as household pets.

Impervious surface. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to: roofs, buildings, decks, streets, parking areas, and any concrete, asphalt or compacted aggregate surface.

Improvements. All public and quasi-public utilities and facilities including streets, sanitary sewers, waterlines, stormwater management and erosion control facilities, monuments, signs, sidewalks, streetlights, and all other similar features required by this chapter.

Industrial park. A comprehensively planned and unified, industrially oriented development containing at least two (2) separate buildings on at least five (5) acres and protected by covenants and restrictions designed to control such things as architectural design or building facades, landscaping, screening, buffering, and environmental protection. Industrial parks typically have a mixture of industrial, service, office, and commercial activities and are designed to incorporate aesthetic and service amenities for the employees and patrons of the uses located within the park.

Infiltration yard. An area which is designed and located to allow stormwater runoff to filter through it and to take advantage of the natural absorption and filtering qualities of the soil and vegetation, thereby reducing the volume and rate of total stormwater runoff and impacts on water quality.

In-fill development. The development of small, scattered vacant sites which are surrounded or essentially surrounded by existing development and which because of location, configuration, access requirements, adjacent development patterns, or similar characteristics, may necessitate special consideration during the development process.

Junk. Old, dilapidated, discarded or scrap copper, brass, plastic, rope, rags, furniture, beds and bedding, batteries, bottles, glass, appliances, paper, trash, rubber, debris, building material waste, tools, implements, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

Junkyard. An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard.

Kennel, commercial. Any land or structure in which canines, felines, or hybrids of either, are kept for the purpose of breeding, hunting, or training, renting, buying, boarding, selling or showing.

Kennel, private. Any land or structure used for the keeping, breeding, or care of five (5) or more canines, felines, or hybrids of either, which are over six months of age and which belong to the owner of the premises and which are kept for the purpose of showing, hunting, or as household pets.

Landscape yard. A designated area within which trees, plants and lawns are cultivated and also including other natural materials such as rock, wood chips, mulch, and decorative features, including sculpture, trellises, fountains and pools, and walkways.

Landscaping. The improvement of a lot or parcel with grass, groundcovers, shrubs, trees, other vegetation or ornamental objects. Landscaping may include earthforms, flower beds, ornamental objects such as trellises or fountains and other natural features.

Land surveyor or surveyor. An individual certified and licensed by the Commonwealth of Virginia to engage in the practice of land surveying.
Level of service (LOS). A set of criteria which describes the degree to which an intersection, roadway, lane configuration, weaving section or ramp serves peak period or daily traffic.

Livestock. Includes all domestic or domesticated animals that are typically characterized as farm animals including without limitation horses, ponies, bison (American buffalo), cattle, sheep, goats, alpacas, llamas, poultry, or other similar animals specifically raised for food or fiber, except household pets. Vietnamese pot-bellied pigs (sus scrofa vittatus) which are kept as household pets are excluded from this definition.

Loading space, off-street. A space within a main building or on the premises which provides for the standing, loading, or unloading of trucks or other delivery vehicles, and including any area necessary for ingress and egress.

Lot. A unit, division, or piece of land, generally created as a result of the subdivision of property. The term is synonymous with plot, parcel, premises, and site.

Lot area. The total computed area of a lot as defined by the closure of the rear, side and front lot lines.

Lot depth. The depth of a lot shall be the average distance between the front and rear lot lines.

Lot line. A line dividing one lot from another lot or from a street or alley. (See Figure I-2 in Appendix A)

Lot line, front. Any street or right-of-way line, whether public or private, which forms the boundary of a lot or such other properly boundary as determined to be a “front lot line” by the zoning administrator pursuant to the terms of article II, General Regulations, of this chapter.

Lot line, rear. The lot line or lines opposite and most distant from and most nearly parallel to the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line. The rear lot line on corner, through and flag lots shall be such line as determined in accordance with the procedures set forth in article II of this chapter.

Lot line, side. Any lot line other than a front or rear lot line, as defined herein.

Lot of record. Any lot created by recordation of a plat in the office of the clerk of the circuit court provided that:

< Such lot and plat complied fully with all zoning and subdivision regulations in effect at the time of such recording; or,
< Such lot or plat was not in conformance with the regulations contained in the zoning ordinance or subdivision ordinance at the time of said recordation, but has become conforming by subsequent amendment of said regulations.

Lot types. (See Figure I-3 in Appendix A)

< Corner lot. A lot abutting two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five degrees (135°).
< Interior lot. A lot other than a corner lot.
< Flag lot. A lot which does not abut a public street other than by its driveway or other strip of land not meeting the required minimum frontage standards.
< Reverse frontage lot. A through lot from which access is not available or permitted from one of the parallel or nonintersecting streets upon which it fronts. Such limitations on access are intended primarily to prevent congestion and safety hazards on arterial streets as defined in the subdivision ordinance.
< Through lot. An interior lot abutting two or more streets.

Lot width. The width of a lot shall be determined as follows (See Figure I-2 in Appendix A):

< If the side lot lines are parallel, the distance between these side lines, measured perpendicularly at the minimum required front yard setback line for the district in which located;
< If the side lot lines are not parallel, the width of the lot shall be the length of a line measured at right angles to the axis of the lot at a point which is equal to the required minimum front yard setback for the district in which located. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.
Main-line utilities. Within each type of utility system, such as sewer, gas, or water, the principal artery or arteries of the system to which individual lots or buildings may be connected.

Manufacturing. Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.

Manufactured home. A structure subject to federal regulatory standards (42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act), which is transportable in one (1) or more sections; is eight feet (8') or more in width with a body forty feet (40') or more in length in traveling mode, or is three hundred twenty (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. For the purposes of this chapter, a manufactured home shall not be deemed a single-family detached dwelling or a modular dwelling unit. Any transportable factory-built dwelling unit constructed prior to the enactment of Home Construction and Safety Standards Act of 1974 or which does not meet such standards together with any manufactured home which has been modified to the extent that it is no longer capable of use for residential occupancy purposes or which has had factory installed appliances removed rendering the unit uninhabitable, shall be deemed a trailer for the purposes of this chapter.

Manufactured home park. A parcel of land with necessary improvements and utilities which is designed to accommodate two (2) or more manufactured homes on individual spaces but without transfer of title to such spaces.

Manufactured home subdivision. A subdivision designed and developed in accordance with all applicable requirements of the R7—Manufactured Home Subdivision District—of this chapter and in which individual lots are available for placement of manufactured homes and transfer of title.

Marina. A facility designed for docking, storing, servicing, berthing, fueling or repairing of primarily recreational boats and which may include accessory restaurant and retail facilities. Marinas may include in-water berths/slips which are covered or uncovered, dry berths/slips for boat storage on land, either indoors or outdoors, and provisions for transfer of boats to and from the water by means of ramps or mechanical equipment.

Microbrewery/micro-distillery/micro-winery/micro-cidery. A facility for the small-scale production and packaging of alcoholic beverages/spirits of the following types and quantities for distribution, retail or wholesale, on or off the premises: beer (not more than 15,000 barrels per year), distilled spirits, wine, or alcoholic cider (not more than 20,000 gallons per year). Permitted accessory uses shall include retail sales, tasting rooms for beverages produced on-site, restaurants, reception halls, and live entertainment as otherwise permitted in the zoning district.

Mini-storage warehouse. A type of warehousing consisting of individual, small, self contained storage spaces which may be owned, leased, or rented to individuals. Such facilities may also be known as self-storage warehouses. For the purposes of this chapter, the two types of mini-storage warehouse/self-storage facilities are:

- Single-story: Facilities in which the storage units/cubicles typically are arranged in long, narrow single-story buildings with the majority of the individual units accessed through doors that open directly to the outside.
- Multi-story: Facilities in which the storage units are arranged in a multi-story structure with all of the individual storage units/cubicles accessed through doors that open to interior corridors.

Mixed-use development. Property that incorporates two or more different principal uses (typically residential and commercial) within a single planned development under a single master plan.

Mobile Food Vending Vehicle (Food Trucks) – A self-propelled or towed vehicle licensed by the Department of Motor Vehicles, containing a mobile kitchen in which food and non-alcoholic beverages are stored and prepared, which is not parked on public rights-of-way, and from which menu items are served in individual portions to walk-up customers. The term shall not include vehicles that traverse streets in residential areas to sell and dispense exclusively ice cream and similar frozen dessert products, nor shall it include mobile food concession vehicles (aka “chuck wagons”) that travel from construction site to construction site during the course of a day to sell and dispense pre-packaged food items to persons engaged in permitted work being conducted on the site.

Model home display park. A single parcel of land including two (2) or more non-industrialized unit model homes with such units intended for display purposes only and not used residentially. One (one) or more of such model homes may be used as a sales or business office.
**Monument or survey monument.** A permanent structure or edifice used or installed to mark the position of a survey station.

**Motel.** An establishment providing transient sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Nightclub.** An establishment that offers alcoholic beverages for on-premises consumption, which is open for business after 11:00 p.m., and which also includes an area where patrons can dance to live or recorded music, or a stage or floor area from which live bands or solo artists perform music or entertainment. This term shall also include restaurants and commercial reception halls if they are open for business after 11:00 p.m., serve alcoholic beverages at a bar or at tables, and have a dance floor or performance area as described above. The term shall not include a restaurant in which live, non-amplified musical performances are offered as background entertainment for dining patrons, provided the restaurant does not have a dance floor.

**Nonconforming lot.** A lawfully created lot of record, the area, dimensions or location of which complied with the regulations in effect at the time of lot creation, but which fails by reason of adoption of or subsequent amendment to this chapter to conform to the present requirements of the zoning district in which located.

**Nonconforming structure or building.** A lawfully constructed structure or building, the size, dimensions or location of which complied with the regulations in effect at the time of the construction, but which fails by reason of adoption of or subsequent amendment to this chapter to conform to the present requirements of the zoning district in which located.

**Nonconforming use.** A lawfully established use or activity which complied with the regulations in effect at the time of its establishment, but which fails by reason of adoption of or subsequent amendment to this chapter to conform to the present requirements of the zoning district in which located.

**Nursing home.** Rest homes, extended care homes, convalescent homes, or similar facilities which are established to render domiciliary or nursing care for chronic or convalescent patients and which are properly licensed by the state, but not including child care homes or facilities for the care of drug addicts, alcoholics, mentally ill or developmentally disabled patients.

**Office.** The facilities in which the administrative activities, record keeping, clerical work and other similar affairs of a business, profession, service, industry, or government are conducted and, in the case of professions such as dentists, physicians, lawyers or engineers, the facilities where such professional services are rendered.

**Office park.** A comprehensively planned and unified office oriented development containing at least two (2) separate buildings on at least five (5) acres [2ha] and protected by covenants and restrictions designed to control such things as architectural design, building facades, landscaping, screening, buffering and environmental protection. Office parks typically have a mixture of office, service, professional, and commercial activities and are designed to incorporate aesthetic and service amenities for the employees and patrons of the establishments located within the park.

**Open space.** An area that is intended to provide light and air, and is designed, depending upon the particular situation, for environmental, scenic or recreational purposes. Open space may include but need not be limited to, lawns, decorative plantings, bikeways, walkways, outdoor active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, greenways and water courses. The computation of open space shall not include driveways, parking lots or other surfaces designed or intended for motorized vehicular traffic.

**Open space, common.** Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of all the residents or property owners of the development.

**Outdoor display.** A temporary form of advertisement involving the arrangement of representative samples of items offered for sale on the premises of a business establishment in a neat and organized manner.

**Outdoor storage.** The keeping of any goods or materials, excluding junk or solid waste, outside of a building for a period of time comprising twenty-four (24) continuous hours or more.

**Overlay regulations.** Requirements, as specified in this chapter, which supplement and apply in addition to those normally applicable in a particular zoning district.

**Parcel.** A contiguous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**Parcel identification number.** A number or series of numbers assigned by the county which uniquely identifies each parcel of land in the county.
Park. Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking lot. An area not within a building where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking.

Parking, off-street. Space provided for vehicular parking outside the dedicated street right-of-way, and including any area necessary for ingress or egress.

Particulate. Any finely divided solid or liquid material.

Payday loan establishment. A place of business engaged in offering small, short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual or individuals at a depository institution, or (iii) any form of assignment of income payable to an individual or individuals, other than loans based on income tax refunds. For the purposes of this chapter, such establishments shall not be construed to be “banks” or “financial institutions.”

Peak period. (also peak hour) The period or hour in which the heaviest traffic volume occurs on a roadway or within a network.

Performance guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations, and the approved plans and specifications of a development.

Personal service establishments. Establishments primarily engaged in the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person, including barber shops, beauty parlors, laundering, cleaning and other garment services, tailors, shoe repair, and similar establishments.

Pet shop. An establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

Pharmacy, professional. An establishment solely devoted to the practice of dispensing drugs, medicines or medical chemicals and the compounding of prescriptions in accordance with State law.

Place of worship. A building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith. The term "place of worship" is not to be construed in any way to include private residences within which religiously related gatherings are conducted.

Plan approving agent. The individual responsible for the administration of the site plan requirements of this chapter and the approval of said site plans. The zoning administrator or designee shall serve as the plan approving agent.

Planned development. An area approved by the board and planned and developed under a single master plan and containing one (1) or more land uses.

Planting area. The area within which vegetation is installed which provides a sufficient bed to maintain and ensure the survival of trees and other vegetation.

Plat. A plan or map of a tract or parcel of land, meeting the requirements of this chapter and the subdivision ordinance, which is to be or has been subdivided. As a verb, the term is synonymous with subdivide.

Pool House. A detached accessory structure located on a lot containing a single-family detached residential structure and an accessory in-ground swimming pool. Such pool house may contain a bathroom consisting of a sink, toilet and shower, but not a bathtub.

Poultry. All domestic fowl and game birds raised in captivity.

Principal building or structure. A building or structure or, where the context so indicates, a group of buildings or structures, in which the primary use of a lot or parcel is conducted.

Principal use. The primary or main use of land or structures, as distinguished from a secondary or accessory use.

Private club. A building and related facilities owned and operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership.
Private school. A school operated by private interests as a substitute for instruction required in state-supported public schools.

Property owners association. As defined in section 55-509, Code of Virginia, a property owners association means an incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted in a declaration. The term includes homeowners' associations; however, it shall not include condominium, cooperative, timeshare, or membership owners associations.

Public sewer system. A sewer system owned and operated by a municipality, county, service authority or sanitary district.

Public water system. A water system owned and operated by a municipality, county, service authority or sanitary district.

Record drawing. A reproducible document conforming to the marked-up prints, drawings, and other data created after the construction process is complete showing the purported location of work elements and significant changes made during the construction process. Record drawings are based on unverified information provided by parties who are generally assumed reliable.

Recreation area. A classification of open space that includes land areas specifically providing for opportunities for passive and active recreational activities for residents of a development. Recreation areas are set aside and reserved for the common use of the residents of a development. Such areas may include, but are not limited to, tennis courts, swimming pools, athletic fields, picnic areas, golf courses, beaches, boat launching ramps, docks, woodlands, paths, trails, and similar facilities. Except as otherwise provided for herein, recreation areas shall not include balconies, private patios, or any buffer areas not set aside for the convenient use of all residents of a development. Water areas with specific recreational value may be classified as part of a recreation area only with the specific approval of the board of supervisors.

Recreational vehicle. A device, whether or not self-propelled, designed or used for transporting persons or property for or in connection with recreation or pleasure, as distinguished from mere transportation, except that it shall not include bicycles or other vehicles designed to be moved solely by human power. The term shall include, without limitation, motor homes, travel trailers, pickup campers, tent trailers, boats, boat trailers and any device designed or used primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place or eating place, temporarily.

Recycling center. A place where waste products are deposited on a relatively large scale to be collected and transported to a facility ultimately for the purpose of reducing them into raw materials and transforming them into new and sometimes different products.

Recycling collection point. An incidental use that serves as a drop-off point for temporary storage of recoverable resources, but where no processing of such items occurs. Such facilities are generally located in shopping center parking lots or in other public or quasi-public areas, such as churches and schools.

Recycling plant. A facility that is not a junkyard and in which recoverable resources, such as newspaper products; glass; metal cans; wood; rubber; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Regional Medical Center. A licensed and Commonwealth of Virginia accredited health care institution, whether public or private, with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, emergency care and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services. In terms of the emergency care, such centers serve and accept transport of patients from the emergency services departments of three or more jurisdictions/municipalities, including the host jurisdiction.

Repair service establishment. An establishment involved primarily in the repair and general service of common home appliances, household goods, or lawnmowers and gardening equipment; or, establishments involved primarily in interior decorating, reupholstering, or the making of draperies, slipcovers and other similar articles; or such other types of establishments which demonstrate similar impacts, but specifically not including furniture or cabinet-making establishments.

Resort. A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort is self-contained and provides personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort complement the scenic qualities of the location in which the resort is situated.

Restaurant, brew-pub. A sit-down restaurant that includes a microbrewery as an accessory use.
Restaurant, drive-in. An establishment that delivers prepared food and beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and beverages to customers who are not in motor vehicles, for consumption primarily off the premises.

Restaurant, fast food. Any establishment whose principal business is the high volume, high turnover sale of foods or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal methods of operation include selling food, frozen desserts, or beverages which are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant, sit-down. Any establishment, other than a fast-food restaurant, where food and drinks are prepared, served and consumed primarily within the principal building.

Retail sales. The sale of goods, merchandise and commodities for use or consumption by the immediate purchaser.

Retention basin. A pond, pool, or basin used for the permanent storage of water runoff. Also referred to as a "wet pond."

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Right-of-way, road or street. The total width of land dedicated or reserved for public or restricted travel, including appurtenant facilities located therein, such as pavement, ditches, curbing, gutters, bikeways, sidewalks, shoulders, and sufficient land for the maintenance thereof.

Roadside stand. An accessory use, which may incorporate a structure, that offers for sale farm or garden produce which is grown on the premises.

Roadway geometrics. The alignment, curvature, horizontal and vertical grade, shoulder and drainage structure configuration, and other similar details relative to a roadway or segment thereof.

Sanitary sewer. Pipe conduits used to collect and carry away domestic, commercial or industrial sewage from the generating source to treatment plants. Storm, surface and ground waters are not intentionally admitted into sanitary sewers.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit or receive radio or electromagnetic waves between terrestrially and orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Scenic easement. An easement, the purpose of which is to limit development in order to preserve a view or scenic area.

School. A facility that provides a curriculum of elementary, middle, or secondary academic instruction, including kindergartens, elementary schools, middle schools, and high schools. Facilities offering General Equivalency Diploma (GED) and other adult and continuing education programs and curricula are also included within this definition.

Screening. The method by which a view of one site from an adjacent right-of-way or another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Seasonal occupancy. Occupancy of a dwelling unit, timeshare unit, or other accommodation for a limited period of time, typically not exceeding several weeks per calendar year. The occupancy may be in several intervals throughout the year, or in a single block of time, but in no event shall it extend for a period long enough to establish "legal residency" under applicable tax codes or to require registration of children for school attendance.

Seating capacity. The actual seating capacity of an area based upon the number of seats or one seat per eighteen inches (18") [46cm] of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the Uniform Building Code.

Secured medical facility. Any institution receiving inpatients and providing general or specialized care for mentally ill or other psychologically impaired patients in a facility which is secured so as to prevent patients from leaving the premises except under supervision or with special permission.
Sedimentation. A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

Senior Housing. As permitted by the terms of the Virginia Housing Law, Section 36-96.7 of the Code of Virginia (1950, as amended) and the federal Housing for Older Persons Act of 1995 (HOPA), senior housing or housing for older persons can include: i) that which is provided under any state or federal program that is designed and operated to assist elderly persons, as defined by such program; or (ii) a housing community or facility wherein at least 80% of the units are occupied by at least one person fifty-five (55) years of age or older and wherein none of the residents in the community or facility are under the age of nineteen (19). The requirements of "Housing for Older Persons" as set forth in the Virginia Fair Housing Law and HOPA shall control as to any allowable exemptions to the occupancy rules. The developer, owner, property owners association and/or manager of the housing community or facility shall establish, make available and adhere to policies and procedures which implement the occupancy criteria. Senior housing arrangements may be further distinguished as one or more of the following categories:

- **Independent Living Facility**: A building or series of buildings containing independent dwelling units intended to provide housing for older persons not requiring health or other services offered through a central management structure/source. The facility may include ownership or rental units and must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.

- **Congregate Care Facility**: A building or series of buildings containing residential living facilities intended as housing for older persons and which offers the residents of such facility the opportunity to receive their meals in a central dining facility, to receive housekeeping services and to participate in activities, health services, and other services offered through a central management structure/service.

- **Assisted Living Facility**: A building or series of buildings containing residential living facilities for older persons and which provides personal and health care services, 24-hour supervision, and various types of assistance (scheduled and unscheduled) in daily living and meeting the requirements of Section 63.2-1800, et. seq. of the Code of Virginia (1950), as amended.

- **Continuing Care Retirement Community (CCRC)**. A senior housing development that is planned, designed and operated to provide a full range of accommodations for older persons, including independent living, congregate care and assisted living facilities, and which may also include a nursing home (skilled-care facility) component. Residents may move from one level to another level of housing accommodations as their needs change. CCRCs may include ownership and rental options but must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.

Septic system. An underground system with a septic tank and one or more drainlines, depending on volume and soil conditions, which is used for the decomposition of domestic wastes. Such systems may also be referred to as soil absorption systems.

Service station. Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Setback. The required minimum horizontal distance from any street right-of-way line, lot line, or other designated line that establishes the area within which buildings or structures may be erected. For the purposes of this chapter, unless otherwise noted, the required front, side and rear yard dimensions are used to establish the applicable minimum setback dimensions. (See Figure I-2 in Appendix A)

Setback Line. A line or lines which establish the required minimum front, rear, and side setback distances as established in the zoning ordinance.

Shopping center. A group of architecturally unified and related retail establishments which are planned, developed, owned, and managed as a single operating unit. The establishments contained within the shopping center unit are related to each other and the market area served in terms of size, type, location, and market orientation. On-site parking is provided in direct relationship to the characteristics of the establishments contained within the center. For purposes of this chapter, the various types of shopping centers are defined as follows:

- **Neighborhood shopping center**. A small, neighborhood-oriented shopping center with a minimum of three (3) separate establishments and a gross leasable floor area of less than ten thousand (10,000) square feet. The establishments contained within the neighborhood center deal in goods and services required on a daily basis.
Community or regional shopping center. A shopping center or mall of at least ten thousand (10,000) square feet of gross leasable floor area and containing a minimum of five (5) separate establishments which deal in a wide range of goods and services which are necessary on a community-wide basis. Community shopping centers typically contain one or more major anchor tenants and other establishments.

Specialty shopping center. A shopping center or mall containing an interrelated mix of retail and accessory establishments having a distinct product or market orientation (for example, tourist-oriented center, mall, or complex; outlet mall or complex; or a center containing a group of home furnishings establishments) and linked together by an architectural, historical, or geographic theme. Specialty shopping centers contain at least five (5) separate establishments and a minimum of ten thousand (10,000) square feet of gross leasable floor area.

Shrub. A relatively low growing woody plant typified by having several permanent stems instead of a single trunk. For purposes of meeting the landscaping requirements of this chapter, shrubs shall be further defined as follows:

Deciduous shrub. Any shrub which sheds its foliage during a particular season.

Evergreen shrub. Any shrub which retains its green foliage throughout the entire year.

Sight triangle. A triangular-shaped portion of land established at street intersections and entrances onto streets in which nothing is permitted to be erected, placed, planted or allowed to grow in a manner that limits or obstructs the sight distance of motorists, bicyclists or pedestrians traversing or using the intersection or entrance.

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Site plan. A required submission, prepared and approved in accordance with the provisions of this chapter, which is prepared to scale and depicts and provides design details on the proposed improvements on a site such as the existing and proposed topography, vegetation, drainage, floodplains, marshes, waterways, open space, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices, complete dimensioning of the existing and proposed structures and improvements, the boundaries of the site, and any other information that reasonably may be required.

Skirting. A weather-resistant material used to enclose the space from the bottom of a manufactured home to grade.

Small wind energy system. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kilowatts (kW) and is intended primarily to generate electricity or to reduce on-site consumption of utility power by means of wind power.

Solid waste disposal site or landfill. Areas which are utilized for the ultimate disposition of solid wastes as defined in chapter 19 of this Code, and also specifically including waste plant material, stumps or construction materials resulting from land-clearing and development activities.

Special use. A use that is not permitted in a particular zoning district except by a special use permit granted in accordance with the provisions established by this chapter.

Special use permit. A permit which may be authorized by the board for those uses identified as special uses by this chapter, in accordance with all applicable standards, criteria and procedures as established herein.

Stable, private. An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

Stable, commercial. A facility consisting of fenced enclosures and/or buildings in which horses are kept as a commercial venture, including boarding, hire, and sale.

Story. That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
**Street.** An established legal right-of-way or platted right-of-way dedicated for the use of the general public, or portions thereof, either accepted by the department of transportation or approved under the terms of the zoning ordinance as a private transportation system, or existing as an unimproved right-of-way serving multiple properties by easements owned in common or by other legally enforceable rights of pedestrian and vehicular access benefiting the adjoining properties and having a name officially assigned by the County. A street shall provide vehicular and pedestrian access to property for all purposes of travel, transportation and parking to which it is adopted, devoted, or dedicated. The term is synonymous with road, lane, drive, avenue, highway, roadway, thoroughfare, or any other term of like or common meaning. For the purposes of this chapter, there shall be two (2) types of streets:

- **Street, private.** Any street created under the terms of this chapter, which is not a component of the state primary or secondary system, and which is guaranteed to be maintained by a properly constituted association of property owners from the development of which such street is an approved part. In addition, the term "private street" shall include those unimproved rights-of-way serving multiple properties by easements owned in common or by other legally enforceable rights of pedestrian and vehicular access benefiting the adjoining properties and having a name officially assigned by the County (and sometimes referred to as "dirt streets").

- **Street, public.** A platted street, dedicated for the use of the general public for all purposes of travel, transportation or parking unless specifically noted otherwise.

**Street Classification.** Streets shall be functionally classified as follows:

- **Access street.** The lowest order of street, designed to serve low volumes of traffic at low operating speeds. As its primary function is to provide access to individual lots, access streets should carry only the volume of traffic generated on the street itself. Cul-de-sacs and other terminal streets are typical of this order of street.

- **Subcollector street.** The second order of street, designed to carry moderate volumes of traffic, at the same low operating speeds as access streets. Such streets collect traffic from access streets as well as provide access to individual lots. Long cul-de-sacs and other terminal streets may be within this order of streets where their traffic volumes exceed the standards for access streets.

- **Collector streets.** The highest order of street generally permitted within a residential subdivision, designed to conduct and distribute traffic between streets of lower order and streets of higher order linking major activity centers. The class is further divided into "major collector" and "minor collector" based on traffic volumes.

- **Arterial street.** Includes streets and roads which function within a regional network conveying traffic between major activity centers. The purpose of such streets is to carry relative large volumes of traffic at higher speeds. Direct residential lot access is prohibited while commercial or industrial lot access is controlled and limited to high trip volume generators. Like collector streets, the arterial class is further divided into "major arterial" and "minor arterial" based on traffic volumes.

- **Expressway and freeways.** The highest order of roadway, designed exclusively for unrestricted movement of traffic. Access is only with selected arterials by means of interchanges.

**Structure.** Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner, including signs, but not including land forms.

**Subdivide or subdivision.** The division of a lot, tract, or parcel of land into two or more lots, parcels or other divisions of land for the purpose of transfer of ownership.

**Surface mine.** Any operation involving the breaking or disturbing of the surface soil or rock, where the primary purpose of the operation is to extract or remove sand, soil, gravel, or other natural materials from the earth and to transport the material, or any portion thereof, off the site of the surface mine operation. Specifically exempt from this definition are the following:

- Any excavation for roads, utilities, buildings, drainage structures, channels or ditches, or ponds, lakes or other water bodies or features, whether intended for drainage, recreational or aesthetic purposes, when such excavations are determined by the zoning administrator to be incidental to and in accordance with the approved development plans or site plans for a residential, commercial, industrial or other development activity, even though the excavated material, or a portion thereof, may be hauled off-site and sold. In no case shall any exempted pond or lake have a water depth exceeding
Any excavation for the purpose of conducting a bona fide agricultural operation, including but not limited to excavations to improve drainage, provide watering facilities for livestock or create a holding lagoon for animal waste, but only so long as such excavation is devoted solely to such use.

Any trench, ditch or hole for utility lines, drainage pipe or other similar public works facilities or projects.

Excavations for the installation of underground storage tanks, if to be backfilled to natural grade.

Excavations for the purpose of enlarging or improving an existing structure.

Any excavation for a pond or lake less than one (1) acre in size when, in the opinion of the zoning administrator, the sole purpose of such pond or lake is the recreational or aesthetic use and benefit of the occupants or intended occupants of the property and the objectives of this chapter would not be served by requiring a use permit. In no case shall any exempted pond or lake have a water depth exceeding thirty-three feet (33’).

Any excavation found by resolution of the board of supervisors to be operated, or proposed to be operated, directly or indirectly by or for the exclusive benefit of the Commonwealth of Virginia for the purpose of facilitating public roadway improvements, provided that such operation will not result in the creation of an excavated pit on the subject property, and provided further that the board is assured that such surface mining operation will be conducted in accordance with appropriate erosion and sediment control practices.

Notwithstanding the foregoing, in any of the above situations where the Zoning Administrator determines that the primary purpose or motivation for the excavation is to sell the excavated material as a commercial undertaking, the excavation shall be considered a surface mine and shall be subject to special use permit review.

Temporary family health care structure. A transportable residential structure, providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person, and which has been primarily assembled at a location other than the site of installation.

Timeshare/Interval Ownership. A facility in which individual suites or living units are sold in increments of time (e.g., weeks or months) to individual owners for the purpose of transient or seasonal occupancy. Under this arrangement, the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule, which may vary within certain specified time periods, on a periodically recurring basis.

Tourist home. An establishment, either in a private dwelling or in a structure accessory and subordinate to a private dwelling, in which temporary accommodations are provided to overnight transient guests for a fee.

Tower. A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

Traffic, background. The number of trips existing or projected to exist on a roadway or roadway system without the land use under study, i.e., traffic not directly or indirectly caused or attracted by the analyzed land use.

Trailer. A vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle. For the purposes of this chapter, containerized cargo units designed to be placed upon and transported by a vehicle shall be construed to be trailers. The removal of wheels, tongues or hitches, or the placement on a foundation upon the ground shall not be deemed to change the character of a trailer.

Transient occupancy. Occupancy of a lodging unit or accommodation on a temporary basis for less than (ninety) 90 continuous days by a visitor whose permanent address for legal purposes is not the lodging unit occupied by the visitor.

Transitional buffer. A special landscaped yard area to be provided in accordance with the requirements of this chapter at the interface of certain zoning districts of differing intensities for the purpose of minimizing potential land use conflicts.

Transitional home. A dwelling unit, other than a group home, shared by more than four (4) unrelated persons, including resident staff, who do not qualify as a “family” as defined in this chapter, and who live together temporarily as a single housekeeping unit, and in which staff persons provide or facilitate care, education, counseling and participation in community activities for the resident clients. The following and similar types of occupancy shall be considered to be transitional housing:
• Temporary quarters for victims of physical or emotional abuse;
• Temporary or emergency quarters for children or adults needing room and board and support services that would lead to self-sufficiency and permanent shelter.

The term "transitional home" shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

Tree. A woody perennial plant generally with one main stem or trunk, but including multiple stemmed plants, which develops many branches, generally at some height above the ground. For the purpose of meeting the landscaping and preservation requirements of this chapter, the types of trees shall be defined as follows:

< Deciduous tree. Any shade, flowering or ornamental tree which sheds its foliage during a particular season.
< Evergreen tree. Any tree which retains its green foliage year round.
< Heritage tree. Any tree which has been designated by ordinance of the board as having notable historic or cultural significance to any site or which has been so designated in accordance with an ordinance adopted pursuant to section 15.2-2306, Code of Virginia.
< Mature tree. Any deciduous or evergreen tree with a minimum diameter (caliper) of fourteen inches (14") when measured four and one-half feet (4-1/2') above ground level.
< Memorial tree. Any tree which has been designated by ordinance of the board to be a special commemorating memorial.
< Significant tree. Any deciduous or coniferous tree with a minimum diameter (caliper) of twenty-two inches (22") when measured four and one-half feet (4-1/2') above ground level.
< Specimen tree. Any tree which has been designated by ordinance of the board to be notable by virtue of its outstanding size and quality for its particular species.

Tree cover. The area directly beneath the crown and within the dripline of a tree.

Tree crown. The aboveground parts of a tree consisting of the branches, stems, buds, fruits, and leaves. Also referred to as "tree canopy."

Trip. A single or one-way vehicle movement to or from a property, site, driveway or study area.

Trip assignment. The assignment of vehicle trip volumes (site-generated and background) to the roadway network around a development, and the assignment of site-generated volumes to individual and specific driveways and local streets within the development. The process entails analyzing all trips, both entering and exiting.

Trip ends. The total number of trips entering plus the total number of trips exiting a site over a designated period of time.

Trip generation. The number of trip ends caused, attracted, produced and otherwise generated by a specific land use, activity or development.

Truck, heavy. A truck having a gross rated carrying weight of more than one (1) ton [900kg].

Truck, light. A truck having a gross rated carrying weight of one (1) ton [900kg] or less.

Truck stop. Any facility offering fuel for sale for commercial vehicles, trucks and automobiles and constructed and designed to enhance maneuverability and fueling of tractor trailer vehicles by the contouring of curbs and aprons, and the placement of islands or other such design criteria. In addition a truck stop shall have the capacity to fuel three (3) or more tractor trailer vehicles at the same time and parking facilities for three or more vehicles. The facility may include provisions for one (1) or more of the following:

< sleeping accommodations for commercial vehicle or truck crews;
< sale of parts and accessories for commercial vehicles or trucks;
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< a restaurant; or
< truck parking or storage area.

Trucking terminal. An area and building where cargo is stored and where trucks load and unload cargo on a regular basis.

Use. The purpose for which a structure or a tract of land is designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on or intended to be carried on in a structure or on a tract of land.

Usable satellite signal. A satellite signal which, when viewed on a conventional television, is at least equal in picture quality to that which can be received at the subject location from local commercial television stations by use of a conventional outdoor antenna or by way of locally available cable television service.

Variance. In the application of this chapter, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the chapter would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of this chapter. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.

Warehouse. A building used primarily for the indoor storage of goods and materials, usually without retail sales.

Waterman. An individual who is self-employed in the harvesting of seafood for sale.

Wetland.
- Non-tidal. Those wetlands, other than tidal wetlands, that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act in 33 CFR 328.3b, as may be amended from time to time.
- Tidal. Vegetated and un-vegetated wetlands, as defined in Section 28.2-1300 of the Code of Virginia.

Wholesale trade. The business of selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

Woodland. A tract of land dominated by trees but usually also containing woody shrubs, grasses, and other vegetation. For purposes of this chapter, the term woodland shall incorporate woods, woodland areas, wooded areas, forest, forested areas and any other terminology commonly recognized to have the same meaning.

Woodline. Line of demarcation separating areas of woodland from nonwoodland areas. For purposes of this chapter the woodline shall be defined as surrounding woodland including the leading edge of the dripline of the trees contained therein plus five feet (5').

Workboat. A watercraft used in the conduct of or in conjunction with a commercial operation such as aquaculture, seafood harvesting for sale, or other waterborne commercial or industrial activity whether or not designed and built or modified specifically for that commercial purpose.

Yard. Open space on the same lot with a building, a group of buildings, or a use, which is unoccupied and unobstructed from the ground upward, except as may be permitted by this chapter. (See Figure 1-2 in Appendix A)
< Front yard. A yard extending across the full width of a lot and lying between the front lot line(s) and the principal building(s).
< Side yard. A yard between the side lot line and the principal building(s), and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot lines.
< Rear yard. A yard extending across the full width of the lot and lying between the rear lot line and the principal building(s).

Yard, required. The open space, of the dimension specified by the district in which located, abutting the lot lines and extending inward therefrom, and thus defining the buildable portion of a lot (See setback definition).

Zoning administrator. The county administrator or designated agent.
Zoning map. The maps, together with all subsequent amendments thereto, which are adopted by reference as a part of this zoning ordinance and which delineate the zoning district boundaries.

Where questions or conflicts arise over the definition of other words used in this chapter that are not defined above, the zoning administrator shall make a determination as to the appropriate definition or meaning.

Sec. 24.1-105. Applicability of chapter.

Except as hereinafter provided, no land, building, structure or premises shall hereafter be used, and no building or structure, or part thereof, shall be erected, altered, located, or moved, except in conformance with the regulations established by this chapter for the district in which located. In addition to the requirements established herein, all development shall comply with all applicable requirements and permitting procedures of the various local, state, and federal review and regulatory agencies including, but not limited to, the York County Wetlands Board, Virginia Marine Resources Commission, Virginia Department of Environmental Quality, Virginia Department of Transportation, Health Department, and U.S. Army Corps of Engineers.

Sec. 24.1-106. Zoning districts and maps.

(a) The territory of the county shall be divided into the classes of zoning districts provided for in article III of this chapter. The zoning district locations and boundaries for the county shall be as shown on the map or maps entitled "Zoning Map of York County, Virginia dated June 28, 1995" and as amended from time to time in accordance with the procedures contained in this article, which, together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this chapter.

(b) A reproducible copy of said maps, attested by the zoning administrator, shall be filed in the office of the zoning administrator or in such location as may be deemed appropriate by the zoning administrator.

Said maps, together with any duly adopted amendments thereto, shall be conclusive as to the current zoning classification of the territory of the county.

Said maps shall not be altered except in conformance with the procedures for amendment as established herein.

(c) In the event any land area is annexed or adjusted into the jurisdictional boundaries of York County, such land shall automatically be classified RC-Resource Conservation until such time as that classification may be changed through a specific rezoning action approved by the board of supervisors in accordance with all applicable procedures.


(a) Before the issuance of any building permit for the construction, alteration or change of use of any building, structure or premises, application shall be made to the zoning administrator for a zoning certificate. The certificate may be combined with such other forms as are required by the administrator and shall certify that the use, construction, or alteration proposed is permitted in accordance with the terms of this chapter and any conditions which may apply to the property as a result of a zoning or use permit action. No zoning certificate or building permit shall be issued for a property which does not qualify as a lot of record.

(b) Prior to the issuance of a certificate of occupancy for any construction, alteration or change of use, application shall be made to the zoning administrator for a certificate of zoning compliance which shall certify that any required plans have been fully and faithfully implemented on the site.

(c) The failure to obtain a zoning certificate or certificate of zoning compliance prior to establishing a use on property shall be a violation of this chapter.
Sec. 24.1-108.  Filing fees.

(a)  **Application fees.**

(1)  An application fee shall be charged to offset the cost of reviewing plans, processing applications, making inspections, issuing permits, advertising public notices and other expenses incident to the administration of this chapter or to the filing or processing of any amendment to the zoning ordinance, special use permit or zoning appeals.  Such fees shall also include charges for readvertising and re-mailing notices when necessitated by the amendment, postponement, or modification of an application.  Filing fees shall be paid upon submission of an application and shall be as set forth in the following schedule:

<table>
<thead>
<tr>
<th>TYPE OF APPLICATION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.  Amendment to the zoning ordinance, except planned development applications</td>
<td>$600, plus $10 for every acre in excess of 5, but not to exceed a maximum fee of $2,000.</td>
</tr>
<tr>
<td>b.  Application for planned development approval</td>
<td></td>
</tr>
<tr>
<td>(1) Phase I submission (overall concept)</td>
<td>$600, plus $10 for every acre in excess of 5, but not to exceed a maximum fee of $2,000.</td>
</tr>
<tr>
<td>(2) Phase II submission (detailed plan)</td>
<td>(Refer to site plan or subdivision plat fees)</td>
</tr>
<tr>
<td>c.  Limited deviations from approved planned developments</td>
<td>$100</td>
</tr>
<tr>
<td>d.  Special use permits and amendments thereto:</td>
<td></td>
</tr>
<tr>
<td>1. Applications for home occupations and accessory apartments</td>
<td>$400</td>
</tr>
<tr>
<td>2. All other types of Special Use Permit applications</td>
<td>$450, plus $10 for every acre over 5, but not to exceed a maximum fee of $1,000.</td>
</tr>
<tr>
<td>e.  Minor enlargement or expansion of a conforming special use under provisions of section 24.1-115(d)(2)</td>
<td>$100</td>
</tr>
<tr>
<td>f.  Special exception to height limitations as provided in section 24.1-231</td>
<td>$200</td>
</tr>
<tr>
<td>g.  Special exception to allow expansion of a nonconforming use as provid-ed in section 24.1-801</td>
<td>$200</td>
</tr>
<tr>
<td>h.  Other special exception</td>
<td>$200</td>
</tr>
<tr>
<td>i.  Appeals/Variiances/Modifications:</td>
<td></td>
</tr>
<tr>
<td>1. Appeal or variance request to the board of zoning appeals</td>
<td>$250</td>
</tr>
<tr>
<td>2. Administrative modification request</td>
<td>$50</td>
</tr>
<tr>
<td>j.  Amendment, modification or postponement of rezoning or use permit application requiring readvertisement and renotification by both the commission and board</td>
<td>$300</td>
</tr>
<tr>
<td>k.  Amendment, modification, or postponement of rezoning, use permit or variance application requiring readvertisement and renotification by the commission, board, or board of zoning appeals</td>
<td>$200</td>
</tr>
<tr>
<td>l.  Zoning Verification/Certification letters:</td>
<td></td>
</tr>
<tr>
<td>1. Requests for verification of zoning classification and permissible uses</td>
<td>No Charge</td>
</tr>
<tr>
<td>2. Requests for zoning verification that also include confirmation of plan approvals, previous permits, violation notices, property conformance, and similar requests requiring file research and/or site inspections</td>
<td>$50</td>
</tr>
</tbody>
</table>
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(2) No application shall be received or shall be deemed to have been filed until accompanied by the required filing fee. Furthermore, in the case of any application for rezoning, special use permit, special exception, or variance, submitted by the owner of the subject property, the owner’s agent, or any entity in which the owner holds an ownership interest greater than 50%, verification shall be obtained from the York County Treasurer that any delinquent real estate taxes, nuisance charges, or any other charges that constitute a lien on the property have been paid. The applicant may provide a verification statement from the Treasurer as part of their application submission or, if not provided, staff will make the contact with the Treasurer’s Office. If payments are current, the application will be accepted for processing. If not, the prospective applicant will be advised of the need to correct the delinquency.

(3) Application fees shall not be refundable in the case of appeals to the board of zoning appeals. In the case of withdrawal of applications for zoning amendments, use permits or planned development approval, exemptions or exceptions, refunds of application fees shall be according to the following schedule:

   a. Written request received in sufficient time to cancel the publication of the first legal notice for the commission public hearing: one hundred percent (100%) of fee, minus a $50 administrative processing fee, is refundable.

   b. Written request received after the first legal notice has been published but prior to the first meeting of the planning commission at which the request will be considered: fifty percent (50%) of the fee refundable.

   c. Written request received within five working (5) days after the date of final action by the commission: twenty-five percent (25%) of fee refundable.

   d. Written request received more than five (5) working days after the date of final action by the commission: No refund.

All requests for withdrawal must be in writing, signed by the applicant, and be submitted to the zoning administrator.

(4) The above described fees shall be waived for any application submitted by any board, commission, agency or department of the county.

(b) Site plan review fees.

(1) Filing fees shall be paid at the time a site plan is first presented for formal review and shall be in accordance with the following schedule:

   a. Single-family attached or multi-family residential proposals shall pay a filing fee of one hundred fifty dollars ($150.00) plus fifteen dollars ($15.00) per dwelling unit (maximum fee two thousand five hundred dollars ($2,500.00)) plus forty-five cents ($0.45) per one thousand (1,000) square feet of total disturbed area.

   b. Commercial, industrial, institutional and other types of uses and activities subject to site plan approval shall pay a filing fee of one hundred fifty dollars ($150.00) plus three dollars ($3.00) per one thousand (1,000) square feet of gross floor area of all structures (maximum fee two thousand five hundred dollars ($2,500.00)) plus forty-five cents ($0.45) per one thousand (1,000) square feet of total disturbed area.

(2) Amendments to approved site plans shall pay a filing fee of one hundred dollars ($100.00) unless the zoning administrator waives the fee because the need for the amendment arises from an error or oversight by a federal, state, or local agency.

(3) In addition to the review fees set forth above, the applicant/developer shall be responsible for payment of any Traffic Impact Analysis review fees as may be established by the Virginia Department of transportation pursuant to its implementation of the requirements of Section 15.2-2222.1 of the Code of Virginia.

(c) Site inspection fee. Prior to the issuance of zoning certificates or the commencement of development or activities authorized by an approved site plan, the developer of a project shall be responsible for payment of a non-refundable inspection fee based on the total amount of improved area on the site. For the purposes of this section, improved area shall be computed by adding the total area covered by structures, buildings, parking areas, driveways, sidewalks and other impervious surfaces on the site. The fee shall be fifty dollars ($50.00) plus one dollar ($1.00) per one thousand (1,000) square feet of improved area up to a maximum fee of one thousand five-hundred dollars ($1,500.00).
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**Sec. 24.1-109. Administration, enforcement, and penalties.**

(a) The zoning administrator or designated agent is hereby authorized, on behalf of the board, to administer and enforce this chapter. Such authority shall include the ability to make official interpretations of this chapter and the zoning maps as described in section 24.1-110 and to order, in writing, the remedy of any condition found in violation of this chapter, and the ability to bring legal action to ensure compliance with its provisions, including injunction, abatement, or other appropriate action or proceeding. In specific cases, the zoning administrator may make findings of fact and, with the concurrence of the county attorney, conclusions of law regarding determinations of vested rights in a land use accruing under Code of Virginia section 15.2-2307 and article VIII of this chapter, or Code of Virginia section 15.2-2311 (C) relative to allowable modifications to previous orders, requirements, decisions or determinations of the zoning administrator or other county official.

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

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of any provision of this chapter that limits occupancy in a residential dwelling unit, which is subject to a civil penalty as prescribed in subsection (c) below, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the county attorney petition the judge of the general district court for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

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

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

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

Any conviction resulting from a violation of the provisions regulating the number of unrelated persons living as a “family” in a residential dwelling shall be punishable by a fine of up to
$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to $5,000, and any subsequent failure during each succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to $7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated individuals in a residential dwelling unit shall not be punishable by a jail term. (reference Section 15.2-2286.A.5., COV)

(2) Injunctive relief. Any violation or attempted violation of this chapter may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings for relief.

(3) Civil fines:

a. Any person summoned or issued a ticket for a violation of this chapter listed in subsection (b) below may make an appearance in person or in writing by mail to the county treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established in this section for the offense charged, in lieu of criminal sanctions. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.

b. A civil penalty is hereby established for a violation of any offense listed below in the amount of two hundred dollars ($200.00) for any one (1) violation for the initial summons and five hundred ($500.00) for each additional summons:

1. Constructing, placing, erecting, installing, maintaining, operating, or establishing an accessory structure or use in violation of section 24.1-270 et seq.
2. Constructing, placing, erecting or displaying a sign in violation of section 24.1-700 et seq.
3. Erecting, altering, or changing use or occupancy of any building, structure, or premises without first obtaining a zoning certificate or certificate of zoning compliance in violation of section 24.1-107.
4. Failure to perpetuate and maintain all landscaping, screening, and fencing materials required by this chapter in violation of section 24.1-242.
5. Operating, conducting or maintaining a home occupation in violation of Article II – Division 8, Home Occupations.
6. Failure to observe the requirements for keeping sight triangles, as described in section 24.1-220(b), free of obstructions.

c. Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten (10) day period and in no event shall a series of such violations result in civil penalties which exceed a total of more than five thousand dollars ($5,000.00). When such civil penalties total $5,000 or more, the violation may be prosecuted as a criminal misdemeanor.

d. The above provisions notwithstanding, civil penalties shall not accrue or be assessed during the pendency of the 30-day appeal period allowable pursuant to the terms of Section 24.1-903.b.

e. No provisions herein shall be construed to allow the imposition of civil penalties for:

1. enforcement of the Uniform Statewide Building Code;
2. activities related to land development;
3. violations of the erosion and sediment control ordinance;
CODE OF THE COUNTY OF YORK, VIRGINIA

CHAPTER 24.1

4. violations relating to the posting of signs on public property or public rights-of-way; or

5. violations resulting in injury to any person or persons.

(Ord. No. O97-18, 6/4/97; Ord. No. O98-18, 10/7/98; Ord. No. 03-31, 8/5/03; Ord. No. 08-17(R), 3/17/09; Ord. No. 09-15, 8/18/09; Ord. No. 11-15(R), 11/16/11)

Sec. 24.1-110. Interpretations.

(a) In determination of the location of the district boundaries shown on the zoning maps, the following rules shall apply:

(1) Boundaries indicated as following streets, highways, alleys, railroads, or waterways shall be construed to follow centerlines of such features unless specifically noted otherwise. In instances where the zoning district line abuts tidal waters, the district line shall extend to the mean low water mark unless such tidal waters are otherwise placed in a zoning district.

(2) Any zoning district boundary shown extended to or into any body of water bounding the county shall be deemed to extend straight to the county boundary.

(3) Where a zoning district boundary line is indicated as dividing a parcel of land, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by use of the scale appearing thereon, and shall be measured to the nearest foot.

(4) Where physical features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered above, the board of zoning appeals, in accordance with the procedures established by section 15.2-2309, Code of Virginia and this chapter shall interpret such boundaries.

(b) Interpretations by the zoning administrator with respect to situations not specifically addressed by the provisions of this chapter shall be issued in writing and shall become a part of a permanent file to be maintained and available for review in the office of the zoning administrator. Such interpretations shall describe the rationale for the decision and shall include citations of the specific policies of the board of supervisors, as expressed in the adopted comprehensive plan, which support the interpretation.

(c) Any decision, order, requirement or determination by the zoning administrator shall be rendered in writing and shall include the following statement:

You have thirty (30) days in which to appeal this decision to the Board of Zoning Appeals, in accordance with section 15.2-2311, Code of Virginia, or this decision shall be final and unappealable. The filing fee for an appeal application is _______ (stating the amount of the fee). Information regarding the appeal application process can be obtained by contacting the Secretary of the Board of Zoning Appeals [(757)890-3532].

(d) Charts and diagrams included in this chapter are intended to supplement and illustrate the chapter provisions. In the event of conflict between such charts or diagrams and the text of this chapter, the text shall control.

(e) When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or the Board of Zoning Appeals is not the owner or the agent of the real property subject to such written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer, or the zoning administrator may require the applicant to give the notice and to provide satisfactory evidence of having done so. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment records shall be deemed to satisfy the notice requirement.

(Ord. No. 10-24, 12/21/10; Ord. No. 11-15(R), 11/16/11)

Sec. 24.1-111. Conflicting requirements.

(a) Whenever the regulations made under authority of this chapter require a greater width or size of yards, courts, or other open spaces, require a lower height of building or fewer number of stories, require a greater percentage of a lot to be left unoccupied, or impose other higher or more restrictive
standards than are required in any other statute or local ordinance or regulations, the provisions of
the regulations made under authority of this chapter shall govern.

(b) Whenever the provisions of any other statute or local ordinance or regulation require a greater width
or size of yards, courts, or other open spaces, require a lower height of building or fewer number of
stories, require a greater percentage of a lot to be left unoccupied, or impose other higher or more
restrictive standards than are required by the regulations made under authority of this chapter, the
provisions of such statute or local ordinance or regulation shall govern unless the zoning administra-
tor shall determine, in writing, that such application was unintended or would be contrary to the goals
and objectives of the county as found in the comprehensive plan.

(c) Whenever two or more of any of the provisions established by this chapter are found to be in conflict,
the zoning administrator shall determine which provision shall govern. The SI (metric) unit "equiv-

cents" provided herein shall not be deemed to be more restrictive for the purposes of this section.

Sec. 24.1-112. Effect of private contracts.

This chapter bears no relation to any private easement, covenant, agreement or restricti-

on, and the responsi-
bility for enforcing such private easement, covenant, agreement or restriction is not implied herein to rest with
any public official or body. When this chapter imposes a more restrictive standard than is required by the pri-
ivate contract, the provisions of this chapter shall control.

Sec. 24.1-113. Amendments.

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the board may
by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property
established by this chapter.

(a) Initiation. Amendments to the zoning map including district boundaries or classifications may be initiat-
ed by:

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<td>a. The board by resolution; or</td>
<td>b. The commission; or</td>
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<td>c. A petition properly signed and filed by the owner or, with the owner's specific written</td>
<td>consent, a contract purchaser or owner's agent.</td>
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(2) Amendments to the zoning ordinance text may be initiated by:

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<td>a. The board by resolution; or</td>
<td>b. The commission.</td>
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(3) Whenever the board or commission shall initiate an amendment, either to the map or text, the public purposes for such an amendment shall be clearly stated.

(b) Contents of petitions. Any petition for amending the zoning map shall include the following:

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| (1) A properly completed and signed application form. | (2) A narrative description of the property which shall include the parcel identification number and, if only a portion of the parcel is to be reclassified, a description, by courses and dis-
tances, of the land to be reclassified. |
| (3) A plat of the property indicating the location of the tract and the requested change. Such | plat shall be accurate and suitable to identify the property in relation to street intersections or other physical features. |
| (4) A statement of the reasons for seeking such amendment. | (5) Such supplemental material (i.e., traffic studies, environmental assessments, etc.) as may be |

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<td>necessitated by the proposal itself or the district in which located or proposed to be located.</td>
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(c) Procedures for amendment.
(1) Applications for amendment of the zoning ordinance shall be submitted to the zoning administrator and upon completion of all filing requirements, including payment of required fees, shall be deemed received by the board and referred to the commission for its review and recommendation as provided by section 15.2-2285, Code of Virginia.

(2) The commission, after public notice in accordance with section 15.2-2204, Code of Virginia shall hold at least one public hearing on such petition and as a result thereof shall transmit a recommendation to the board. Failure of the commission to report within one hundred (100) days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the board of supervisors, shall be deemed approval, unless such proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of such time period. In the event of such withdrawal, processing of the proposed amendment or reenactment shall cease without further action as otherwise would be required by this subsection.

(3) In the case of a proposed amendment to the zoning map, such public notice shall state the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by section 15.2-2204, Code of Virginia. Such ordinances shall be enacted in the same manner as all other ordinances.

(4) Upon receipt of the recommendation of the commission, the board, after public notice in accordance with section 15.2-2204, Code of Virginia shall hold at least one public hearing on such petition for amendment, and as a result thereof shall make such changes to the chapter as it deems appropriate, provided further that the board shall act upon and make a decision upon each petition within one (1) year of the date such petition was filed.

(d) Matters to be considered in reviewing proposed amendments. Proposed amendments shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, and the requirements for airports, affordable housing, schools, parks, playgrounds, recreation areas, and other public services; for the conservation of natural resources; for preservation of flood plains; for the preservation of agricultural and forestal land; and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the county.

(e) Procedures for recording zoning map amendments. When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning classifications and indicating their boundaries. The zoning administrator shall refer to said attested ordinance as a record of the current zoning status until such time as the zoning map can be changed accordingly.

(f) Reconsideration. When the board has officially acted on a petition for amendment, no other petition for substantially the same change shall again be considered until after one (1) year from the date of official action.

(Ord. No. 01-20(R), 10/16/01)

Sec. 24.1-114. Conditional zoning.

(a) Statement of intent. It is the general policy of the county, in accordance with the laws of the Commonwealth of Virginia, specifically section 15.2-2283, Code of Virginia, to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit land uses and at the same time to recognize the effects of change. It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby an amendment to the zoning map may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned. The provisions of this section shall not be used for the purpose of discrimination in housing.

(b) Proffer of conditions.
(1) The owner or owners of property for which an application is being made for an amendment to the zoning map may, as part of the application, voluntarily proffer, in writing, reasonable conditions which shall be in addition to the regulations of the zoning district classification sought by the application.

(2) Conditions so proffered may be made prior to the public hearing before the commission. Alternatively, or in addition, in consideration of comments expressed during the commission deliberations on an application, the property owner(s) may, prior to the final public hearing conducted by the board, choose to proffer original conditions or revised conditions. In addition, the board may accept amended proffers during the course of its public hearing on the application provided that the amended proffers do not materially affect the overall proposal.

(3) The board as part of an amendment to the zoning map, may accept such reasonable conditions in addition to the regulations provided by this chapter for the zoning district to which the amendment is requested provided that:

   a. the rezoning itself gives rise to the need for the conditions;
   b. such conditions have a reasonable relation to the rezoning; and
   c. all such conditions are in conformity with the adopted comprehensive plan; and
   d. if proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered. All cash proffers shall be accepted and held in accordance with the terms of sections 15.2-2303.2 and 2303.3 of the Code of Virginia.

Reasonable conditions shall not include, however, conditions that impose upon the applicant the requirement to create a property owners’ association under Chapter 26 (sec. 55-508 et seq) of Title 55, Code of Virginia, which includes an express further condition that members of a property owners’ association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments, and other public facilities not otherwise provided for in section 15.2-2241, Code of Virginia; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Virginia Department of Transportation.

(c) Submittal requirements. In addition to the information required elsewhere in this chapter for submission of petitions for reclassification of property, any applicant proposing reclassification under the provisions of this section shall submit a signed statement as follows:

   Conditions voluntarily proffered for the reclassification of property identified as ____________.

   I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

(d) Effect of conditions.

   (1) The provisions of this section shall be considered separate from, supplemental to and in addition to the provisions contained elsewhere in this chapter or other county ordinances. Nothing contained in this section shall be construed as excusing compliance with all other applicable provisions of this Code.

   (2) Once proffered and accepted by the board as part of an amendment to the zoning map, such conditions shall continue in full force and effect until amended as provided herein.

   (3) Conditions once proffered and accepted by the board shall immediately become effective with approval of the application to amend the zoning map. Upon approval, any site plan, subdivision plat, or development plan thereafter submitted for the development of the property in question shall be in conformance with all proffered conditions and no development shall be approved by any county official in the absence of said conformance.

   (4) In the event proffered conditions include the dedication of real property or the payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which said property is dedicated or cash is tendered are included in the capital improvement program, except that items which are not normally included in such capital improvement program may be accepted at any time. In the event a proffer involves a pledge of

a cash payment for residential construction on a per-dwelling unit or per-home basis, the cash payment pursuant to such proffer shall be collected or accepted only after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the subject property.

(e) **Procedures for recording of conditions.**

(1) A certified copy of all ordinances accepting proffered conditions, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the clerk of the circuit court.

(2) The zoning map shall show by an appropriate symbol on the map the existence of conditions attached to the zoning on the map. The zoning administrator shall keep in his or her office and make available for public inspection a conditional zoning index which shall provide ready access to each ordinance creating such conditions.

(f) **Enforcement and guarantees of conditions.** The zoning administrator shall be vested with all necessary authority on behalf of the county to administer and enforce such conditions as may be attached to an amendment of the zoning map, including, but not limited to:

(1) The ordering in writing of the remedy of any non-compliance with such conditions;

(2) The bringing of legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding; and

(3) Requiring a guarantee, satisfactory to the board, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the zoning administrator upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

Failure to meet all conditions shall constitute cause to deny the issuance of any required use, occupancy, building or other such permit, as may be appropriate and to seek such remedy as provided under the terms of this chapter.

(g) **Petition for review of decision.** Any zoning applicant or any other person who is aggrieved by a decision of the zoning administrator pursuant to the provisions of section 24.1-114(f) herein may petition the board for the review of such decision. Any such appeal shall occur within thirty (30) days of the action complained of and shall be instituted by filing with the zoning administrator a notice of appeal fully specifying the grounds therefor.

The zoning administrator shall forthwith transmit to the board all of the papers constituting the record upon which the decision appealed from was taken, and the board shall proceed to hear the appeal at its next regularly scheduled meeting.

An appeal shall stay all proceedings and furtherance of the action appealed from unless the zoning administrator certifies to the governing body after the notice of appeal has been filed with the zoning administrator that by reason of the fact stated in the certificate a stay will cause imminent peril to life or property. In such case the proceeding shall not be stayed otherwise than by a restraining order which may be granted by the governing body or by a court of record on application or notice to the zoning administrator and on due cause shown.

A decision by the board of supervisors on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision.

An aggrieved party may petition the circuit court for review of the decision of the governing body on an appeal taken pursuant to this section. The provisions of Section 15.2-2285.F. of the Code of Virginia shall apply to such petitions to the Circuit Court, mutatis mutandis.

(h) **Amendments and variations of conditions.** Amendment or variation of conditions created pursuant to this section may be made in accordance with the procedures set forth in section 15.2-2302, Code of Virginia, and including notice and public hearing, if applicable.

(i) Notwithstanding any other provision of this chapter, for any rezoning action approved, valid and outstanding as of January 1, 2011, and related to new residential or commercial development, any proffered condition that requires the landowner or developer to incur significant expenses upon an event
related to a stage or level of development shall be extended until July 1, 2017, or longer as agreed to by the county. However, the extensions in this subsection shall not apply (i) to land or right-of-way dedications, (ii) when completion of the event related to the stage or level of development has occurred, or (iii) to events required to occur on a specified date certain or within a specified time period.

Ord. No. 01-20(R), 10/16/01; Ord. No. 05-34(R), 12/20/05; Ord. No. 06-17(R), 3/17/09; Ord. No. 09-15, 8/19/09; Ord. No. 10-24, 12/21/10; Ord. No. 11-15(R), 11/16/11; Ord. No. 12-15, 9/18/12

Sec. 24.1-115. Special use permits.

Certain uses, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of a special use permit by the board after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the county will be protected. No inherent right exists to receive a special use permit; such permits are a special privilege granted by the board under a specific set of circumstances and conditions, and each application and situation is unique. Consequently, mere compliance with the generally applicable requirements may not be sufficient and additional measures, occasionally substantial, may be necessary to mitigate the impact of the proposed development. In other situations, no set of conditions would be sufficient to approve an application, even though the same request in another location would be approved.

(a) Application.

(1) Applications for the establishment of special uses shall be submitted on the official application form and shall contain the following:

a. A narrative description of the property which shall include the assessor’s parcel number or in the case of a recorded subdivision, the lot number and block description.

b. A narrative description of the proposed uses of the property.

c. A sketch plan of the site prepared at scale to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the commission and the board that adequate provisions will be made for compliance with all standards for that particular use and the extent of property to be so used on a given parcel or parcels.

d. Property owner’s signature or written consent.

e. A traffic statement specifying the expected trip generation, both 24-hour and peak hour, and, if either exceed the trip generation limits established in article II, division 5, a traffic impact analysis prepared in accordance with that section.

f. Such other attachments as may be necessary by virtue of being in an overlay district or the YVA district.

(2) An application shall not be deemed to have been filed until it is complete including all signatures, attachments, and the requisite filing fee.

(b) Procedure for issuing special use permits.

(1) Application for the establishment of special uses shall be submitted to the zoning administrator and, upon determination that such application contains all necessary elements, shall be deemed received by the board and referred to the commission for its review and recommendation.

(2) The commission shall, within one hundred (100) days after the first meeting of the commission after such referral, report to the board its recommendation as to the approval or disapproval of such application and any recommendation for establishment of conditions, in addition to those set forth in this article, deemed necessary to protect the public interest and welfare. Failure of the commission to report within one hundred (100) days shall be deemed a recommendation of approval.

(3) In considering applications for special use permits, the commission shall use the following criteria in its review and report to the board:
a. Compatibility of the proposed use and location with the policies established in the comprehensive plan.

b. Compatibility of the proposed use with the character of adjacent properties and the surrounding neighborhoods and with existing and planned development.

c. Availability of, or ability to provide, adequate utilities, drainage, parking and loading space, lighting, screening, landscaping and open space.

d. Provision of safe and convenient pedestrian, bicycle, and traffic movement.

e. Compatibility of the proposed use with the intent and function of the particular zoning district in which located.

f. Compliance with applicable performance standards and requirements as set forth in article IV.

g. Ability to mitigate fully the negative external impacts of the proposal which are in excess of that which might otherwise be developed on the site.

(4) Upon receipt of the recommendation of the commission, the board, after public notice in accordance with section 15.2-2204, Code of Virginia, shall hold at least one public hearing on such application, and as a result thereof shall either approve or deny the request.

(5) In approving any special use permit, the board may by resolution:

a. Impose such reasonable standards, conditions or requirements, in addition to any specified in this chapter, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to, special setbacks, yard requirements, increased screening or landscaping requirements, area requirements, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics.

b. Require that a performance guarantee, acceptable in form, content and amount to the county, be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.

c. Specify time limits or expiration dates for any such special use permits, including provisions for periodic review and renewal.

(6) A certified copy of all resolutions authorizing a special use permit pursuant to this section shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the clerk of the circuit court.

(7) When the board has acted on an application for a special use permit and has denied it, no other application for substantially the same request shall be considered until one (1) year has elapsed from the date of the board’s action.

c) Procedures applicable to permits.

(1) Unless otherwise specified by the conditions of the permit or as set forth in subsection (c) (6) below, failure to establish the special use authorized by the permit within two (2) years from the date of approval by the board shall cause the permit to terminate automatically. In the case of uses involving the construction of new buildings or other structures, the use shall be deemed "established" if all necessary foundation work has been completed within the two-year period and construction work is continuously and diligently pursued thereafter under a valid building permit. In the case of uses involving occupancy of land or an existing building, the use shall be deemed "established" only if the land or buildings have been occupied and the proposed activity conducted within the two-year period.

(2) Unless otherwise specified in the conditions of a permit or as set forth in subsection (c) (6) below, the initial term of each special use permit shall be for one (1) year from the date of approval. Upon compliance with those conditions and restrictions imposed by the board and all relevant county ordinances, the special use permit shall, without application, be renewed automatically for additional successive one (1) year terms. However, a special use permit shall not be so renewed and shall expire at the end of the term or current renewal thereof if notice of noncompliance with any material condition or restriction is mailed by certified mail to the permittee, at the address shown on the application for the permit or any new address
of which the zoning administrator subsequently receives written notice, more than thirty (30) days before the end of the term or the renewal thereof then in effect and such noncompliance is not corrected within thirty (30) days to the satisfaction of the zoning administrator.

The provisions of this section are cumulative with the power of injunction and other remedies afforded by law to the county and, further, shall not be so interpreted as to vest in any applicant any rights inconsistent or in conflict with the power of the county to rezone the subject property or to exercise any other power provided by law.

(3) Once a special use permit is granted, such use may be enlarged, extended, increased in intensity or relocated only in accordance with the provisions of this section unless the board, in approving the initial permit, has specifically established alternative procedures for consideration of future expansion or enlargement. If, however, the specially permitted use is no longer a use permitted in the zoning district in which located, the provisions of article VIII relative to expansion of nonconforming uses shall control any proposed enlargement of the use. If the use that is the subject of the special use permit becomes a use permitted as a matter-of-right through subsequent amendment of this chapter, the special use permit conditions shall be voided but only to the extent they are more restrictive than those conditions applicable generally to such by-right use.

(4) Uses in a district for which a special use permit is required, which were legally existing without such a permit at the time of adoption of this chapter or an amendment thereto which required such a special use permit, shall not be deemed nonconforming uses, but shall, without further action, be deemed conforming special uses so long as they continue in existence. Such special uses shall be subject to the provisions of subsection (d) below with respect to any enlargement, extension, increase in intensity or relocation.

(5) Where any special use is discontinued for any reason for a continuous period of two (2) years or more, the special use permit shall automatically terminate without notice, except as provided in subsection (c) (6) below. A use shall be deemed to have been “discontinued” when the use shall have ceased for any reason, regardless of the intent of the owner or occupier of the property to reinstitute the use at some later date. The approval of a new special use permit shall be required prior to any subsequent reinstatement of the use.

(6) As provided in Code of Virginia sections 15.2-2209.1:

a. In the case of any special use permit outstanding as of January 1, 2011, and related to new residential or commercial development, any deadline in such special use permit or in this chapter that requires the commencement of a project or that requires the landowner or developer to incur significant expenses related to improvements for a project within a certain time, shall be extended to July 1, 2017. This provision shall not apply to any requirement that a use authorized by a special use permit or other zoning action shall be terminated by a certain date as within a set number of years. This extension of time shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(d) Amendment of special use permits. An amendment is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid special use. Amendments shall be processed as follows:

(1) Non-material and insignificant modifications, shifts in location, slight changes in size, shape, intensity, or configuration may be authorized by the zoning administrator provided there is nothing in the currently valid permit to preclude such action, the changes comply fully with other provisions of the permit and the Code, and that there will be a five percent (5%) or less increase in either lot coverage or floor area over what was originally approved.

(2) Minor enlargements, expansions, increases in intensity, relocations, or modifications of any conditions of an approved and currently valid special use may, without public hearing, be authorized, including the establishment or reestablishment of reasonable conditions, by resolution of the board provided that such minor changes comply with the following criteria:

a. There will be a cumulative total of less than a twenty-five percent (25%) increase in either lot coverage or floor area;

b. There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
c. Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement;

d. The proposal conforms to the provisions of this article and is in keeping with the spirit and intent of the adopted comprehensive plan.

(3) Any proposed amendment other than those provided for in paragraphs (1) and (2) above shall be considered a major amendment of a previously approved and currently valid special use and shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit.

(4) For an existing and currently valid special use permit which is no longer allowed as a special use in the zoning district in which located, the board, upon receipt of an application, may review and approve an amendment to said permit, provided such amendment does not allow the use to be enlarged, expanded, increased in intensity, relocated, or continued beyond any limitation specified in the existing use permit or established in article VIII - Nonconformities.

(Ord. No. 01-20(R), 10/16/01; Ord. No. 08-17(R), 3/17/09; Ord. No. 12-15, 9/18/12)


The zoning administrator shall cause notice to be posted on properties for applications made under this chapter. The filing of an application shall be deemed to grant approval to the county for posting of notice on the subject property.

(a) The notice shall be posted at least seven (7) days prior to public hearings on the subject property along every street frontage, or, if there is no abutting street, then in an appropriate location to ensure visibility from public roads or adjacent occupied property.

(b) Posting of notices shall be reasonably attempted, but shall not be required when:

(1) the hearing involves an application for an amendment to the zoning map involving twenty-six (26) or more parcels of land initiated by action of the commission or board; or

(2) the hearing involves an application for a special use permit or zoning appeal involving twenty-six (26) or more parcels of land.

(c) Posting of notices shall not be required when:

(1) the hearing involves an application for a comprehensive amendment to the zoning map initiated by action of the commission or board; or

(2) the zoning administrator determines that posting notice is impractical and will not facilitate the public dissemination of information.

(d) The inadvertent failure to post notices, or the inadvertent placement of notices on other than the subject property shall not be deemed to invalidate any action of the commission, board of zoning appeals or board concerning the subject application.

Sec. 24.1-117. Certain utilities and services exempt.

(a) Except as specifically noted below, certain utilities and services shall be exempt from the other regulations of this chapter. Specifically, the following facilities and equipment shall be so exempted:

(1) Traffic signals, fire hydrants, alarm or emergency devices, telephone booths and pedestals, public transit shelters, mailboxes, and similar devices and structures;

(2) Wires, poles, pipes, meters and similar facilities which provide service connections between primary distribution lines or mains and individual residential, commercial or industrial customers, or which are an integral and accessory part of a subdivision or development;

(3) Sewage pump and lift stations, water storage and pumping facilities, communication switching and relay facilities, and similar utilities when approved by the zoning administrator as a necessary and integral component of a public utility system. Such facilities shall be surrounded by a Type 25 Buffer, as defined in this chapter.
(4) Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.

(b) Any utility substation, treatment plant, generating plant, or similar facility which is not within the normal scope of distribution facilities referred to above shall be authorized only by special use permit.

(Ord No. O98-18, 10/7/98; Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-118. Conservation easements.

Conservation easements required by this chapter shall be subject to the following:

(a) Conservation easements may be granted to the county or to any other entity having a charter or by-laws appropriate to retaining land or water areas for conservation purposes and which is deemed acceptable by the zoning administrator in consultation with the county attorney.

(b) Conservation easements granted to the county shall not be construed to imply that the county holds any maintenance responsibility over the property covered by the easement.

(c) In lieu of establishing a conservation easement, the zoning administrator, with the concurrence of the county attorney, may authorize other arrangements which would effect the same purpose as a conservation easement for a comparable period of time.

(d) The county attorney shall approve the form of any easement granted to the county.

(e) All easements shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the clerk of the circuit court.

ARTICLE II. GENERAL REGULATIONS

DIVISION 1. GENERAL LOT REGULATIONS

Sec. 24.1-200. Separate lots required.

(a) Except as may be specifically authorized by other provisions of this chapter, only one (1) principal dwelling unit shall be permitted on any individual lot located in the RC, RR, R33, R20, R13, and R7 districts.

(b) Except as may be specifically authorized by other provisions of this chapter, a principal residential use shall not occupy the same lot with any other principal use.

(c) No building permit shall be issued for a parcel which is not a lot of record.

(Ord. No. 14-12, 6/17/14)

Sec. 24.1-200.1. Verification of Access Rights

Prior to issuance of any building permit or other permit for use of a parcel of land subject to the terms of this chapter, the property owner or applicant shall be required to verify that there is a legal right of access to the parcel from a public right-of-way, either by virtue of direct frontage/access or by virtue of an access easement or other legally enforceable rights of access. The same type of verification shall be required with respect to access to public water and sewer service, if the property is required to be served by such utilities.

(Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-201. Subdivision and consolidation of lots.

(a) Each lot created subsequent to the adoption or amendment of this chapter shall comply with all area and dimensional regulations, as amended, for the district in which located and with all applicable provisions of the subdivision ordinance. Lots shall not be created in such a manner as to cause any existing structures to be in conflict with setback and yard requirements of the district in which located.

(b) Where a development is proposed to encompass and be situated on multiple existing lots under the same ownership, the lot lines separating said lots shall be vacated through the preparation and recordation of a survey plat, prepared in accordance with all applicable procedures and requirements. The recordation of such plat shall be a prerequisite for the issuance of land disturbing permits and/or building permits for the proposed development project. In the event the development proposed can stand alone on each of the lots without a principal use/accessory use dependency and in compliance with all applicable setback and other dimensional requirements, then vacation of the lot lines shall not be required.

(c) Other provisions of this chapter relating to side and rear setbacks notwithstanding, an individual lot encompassing one or more of the attached tenant spaces in a retail or office center may be created provided that:

(1) The lot meets the minimum area and width requirements for the district in which located;

(2) The remainder of the parent tract meets the minimum area and width requirements for the district in which located;

(3) The proposed lot lines shall be coterminous with a common wall separating individual tenant spaces, or with a landscape island running parallel to the lot line(s), or with the centerline of a driveway, parking lot drive-aisle, or shall be otherwise located logically and appropriately in relation to entrance drives, the parking lot layout and other similar features of the property, as determined by the zoning administrator and subdivision agent;

(4) Appropriate cross-easements shall be established to allow the development to function in an integrated and coordinated manner in terms of parking, circulation, management,
maintenance and operations;

(5) Binding agreements or restrictions shall be established requiring the structures on the parcels created in this manner to remain in the approved configuration relative to property lines and to observe the same configuration if ever destroyed and rebuilt; and

(6) There shall be no additional freestanding signage allowed for the retail or office center as a whole as a result of such parcel configurations. For purposes of signage, the retail or office center shall continue to be deemed to constitute a single parcel.

(7) There shall be no additional driveway connections to the adjoining public road(s) allowed for the retail or office center as a whole as a result of such parcel configurations. For purposes of driveway connections, the retail or office center shall continue to be deemed to constitute a single parcel.

(Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-202. Lot frontage required.

Unless specifically exempted by this section or other terms of this chapter or the subdivision ordinance, each lot or parcel hereafter created shall have frontage on a public street, which frontage shall not be less than the minimum lot width required for the district in which located.

(a) Where lot lines are established radially from a curved street so as to increase the width of the lot with the distance from the street line, the frontage of such lots may be reduced to not less than seventy percent (70%) of the minimum required lot width or fifty feet (50'), whichever is greater. In such cases, frontage shall be measured along the chord of such curve and lot width shall be measured at the minimum building setback line prescribed for the district in which located. (See Figure II-1 in Appendix A)

(b) In the case of lots fronting on a cul-de-sac, the frontage of such lots may be reduced to not less than fifty percent (50%) of the minimum required lot width or fifty feet (50') whichever is greater. In such cases, frontage shall be measured along the chord of such curve and lot width shall be measured at the minimum building setback line prescribed for the district in which located. (See Figure II-1 in Appendix A)

(c) Other provisions of this chapter notwithstanding, flag lots may be permitted but only in accordance with the following requirements and all applicable requirements of the subdivision ordinance. Nothing in this section shall be construed to recognize flag lots as a generally available design technique to be used as a matter of right by any person subdividing land.

(1) Flag lots may be utilized to prevent unnecessary or undesirable accesses to collector or arterial roads; or

(2) Flag lots may be utilized to recognize unique physical or environmental characteristics of a parent tract which preclude efficient and logical subdivision in accordance with normally applicable frontage requirements.

(3) The following limitations shall apply to flag lots:

a. One lot, or a maximum of five percent (5%) of the total lots in a subdivision, whichever is greater, may be flag lots. This limitation shall be cumulative for subdivisions consisting of more than one (1) section. The zoning administrator may waive this limitation upon finding that authorizing the use of additional flag lots would preserve environmentally sensitive land or have a direct positive impact on designated environmental management or Chesapeake Bay Preservation areas.

b. Flag lots shall not be permitted whenever the effect would be to increase the number of lots with direct access to a major collector or arterial street.

c. That portion of a flag lot comprising the "staff" shall not be counted for the purpose of determining minimum lot area compliance.

d. The minimum width of the "staff" portion of a flag lot shall be thirty feet (30') and the edge of any driveway constructed within the "staff" shall be at least five feet (5')
from the side property lines of the “staff.” Where two flag lots abut one another, the “staff” portions of the lots shall be coterminous to the extent possible from a design/layout standpoint. Where the “staffs” are abutting, the minimum widths may be reduced to twenty feet (20’) each, there shall be no minimum driveway setback from the common property line separating the “staffs”, and the use of a shared/common driveway is encouraged. Landscaping shall be installed to provide a visual buffer between driveways and the side and rear yards of any adjacent residential properties; however, the landscape buffer shall be optional between adjoining driveways in adjoining “staffs”.

e. Unless otherwise specified by the zoning administrator, the front lot line of a flag lot shall be the lot line which is closest and most nearly parallel to the street to which the “staff” portion of the flag lot connects.

(Ord. No. O98-18, 10/7/98; Ord. No. 05-34(R), 12/20/05; Ord. No. 08-17(R), 3/17/09; Ord. No. 09-22(R), 10/20/09)

Sec. 24.1-203. Computation of buildable or developable area.

In accordance with the comprehensive plan, certain land areas shall not be developed at all and others may only be credited partially toward buildable or developable area. These shall be determined on a case-by-case basis utilizing the percentages shown in the table below where:

The "Density" column contains the percentage of the specified land type which may be included in calculations of net developable density;

The "Lot size" column contains the percentage of the specific land type which may be included to meet minimum lot size requirements; and

The "Platted" column contains the percentage of the specified land type which may be platted as part of individual lots for transfer to a party other than a property owners’ association or similar entity such as a land conservation trust.

In all cases, the zoning administrator shall be satisfied that each and every lot platted contains a sufficient building site for the future use of the property based on its zoning classification at the time the plat is submitted.

<table>
<thead>
<tr>
<th>Land Area Type</th>
<th>Density</th>
<th>Lot Size</th>
<th>Platted</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Existing public or private street or highway right-of-way</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>(b) Areas required for dedication to eliminate substandard rights-of-way</td>
<td>50%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>(c) Existing and proposed public or private utility easements greater than twenty feet (20’) in width</td>
<td>0%</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>(d) Existing and proposed public or private utility easements twenty feet (20’) and less in width</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>(e) Existing and proposed easements providing public rights of access or which access community facilities</td>
<td>100%</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>(f) Areas four feet (4’) and less above mean sea level as determined by NGVD 1929 datum (National Geodetic Vertical Datum)</td>
<td>0%</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>(g) Areas of existing ponds, lakes, or other impounded water bodies measured to the mean high water level at the natural outfall or emergency spillway</td>
<td>0%</td>
<td>0%</td>
<td>100%(1)</td>
</tr>
<tr>
<td>(h) New stormwater management ponds or basins required to be constructed to serve a development project</td>
<td>100%</td>
<td>0%</td>
<td>0%(2)</td>
</tr>
<tr>
<td>(i) Area in excess of one-tenth acre of USEPA/CORPS of Engineers jurisdictional non-tidal wetlands (3)</td>
<td>50%</td>
<td>0%</td>
<td>100%(1)</td>
</tr>
<tr>
<td>(j) Naturally occurring (predevelopment) slopes:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) less than twenty percent (20%)</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>
Sec. 24.1-204.  Area requirements for lots without public utilities.

The lot area requirements set forth in the district regulations of this chapter are predicated on the availability of public water service and public sewer service to each lot. Any lot created after the adoption of this chapter and not served by a public water supply or a public sewer facility shall conform to the following area standards, unless greater requirements are specified for the zoning district in which located. Building permits may be issued for construction on existing lots of record which do not meet the area standards set forth below provided that any proposed individual wells and septic systems can be accommodated on the same lot.

<table>
<thead>
<tr>
<th>AVAILABLE PUBLIC UTILITIES</th>
<th>MINIMUM LOT AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neither Public Water nor Sewer</td>
<td>2 acres[^1][^2][^3][^4][^5][^6][^7] (1ha) (5 acres [2.25ha] in RC Districts)</td>
</tr>
<tr>
<td>Public Water Only</td>
<td>1.5 acres[^8] [0.75ha] (5 acres [2.25ha] in RC Districts)</td>
</tr>
<tr>
<td>Public Sewer Only</td>
<td>1 acre[^9][^10] (0.5ha) (5 acres [2.25ha] in RC Districts)</td>
</tr>
<tr>
<td>Both Public Water and Public Sewer</td>
<td>As required by zoning district regulations</td>
</tr>
</tbody>
</table>

[^1]: Each lot created shall include an area determined to be suitable for both a primary and reserve on-site septic system installation, with documentation of health department approval for each proposed location.

[^2]: Each lot created shall include a suitable location for a well as determined by the health department. Documentation must be provided.

Sec. 24.1-205.  Lot area averaging.

In order to encourage the efficient and improved use of land, where topography, other environmental constraints or the configuration of the parent tract may affect development design, the following standards are hereby established for the purpose of allowing certain variations in minimum lot area requirements for conventional single-family detached dwelling subdivision proposals in the RC, RR, R33, R20, and R13 zoning districts:

(a) One or more lots within such proposed subdivision may be reduced to an area which is not less than seventy-five percent (75%) of the minimum lot area requirement for the district in which located provided that an equal number of lots within the same subdivision are oversized by an equal or greater amount.

(b) The resulting subdivision must contain at least ten (10) lots.

Supplement 30
(c) Corner lots, because of their required greater dimensions, shall not be eligible for reduction in area, nor may they be counted as the required oversized lots.

(d) Such proposed subdivision shall be served by public water and public sewer.

(e) Proposed plans for such subdivision shall be submitted for review in accordance with all applicable procedures and requirements of the subdivision ordinance. All plans and plats pertaining to such subdivision shall contain a special notation indicating that the proposal is submitted in accordance with section 24.1-205, lot area averaging, of this ordinance.

(f) All proposed lots shall be of sufficient size, dimension and configuration to provide an adequate buildable area in conformance with the applicable dimensional standards.

(g) Where lot area averaging is proposed for a subdivision within an area classified R-13, the maximum number of lots which may be reduced in area shall not exceed ten percent (10%) of the total number within the proposed subdivision as shown in the proposed preliminary subdivision plan.

(Ord. No. 14-12, 6/17/14)


DIVISION 2. GENERAL YARD REGULATIONS

Sec. 24.1-220. Requirements for corner lots.

In the case of corner lots, all yards abutting a street shall be considered front yards and a minimum building setback of thirty feet (30') from a public street right-of-way shall be maintained unless a larger setback is otherwise required. Other special requirements applicable to corner lots are as follows:

(a) The minimum width requirement for each frontage of any corner lot hereafter created shall be equal to the normally required lot width plus the difference between the required front and side yard dimensions for the district in which located provided, however, that the maximum width required as a result of application of this provision shall be one hundred fifty feet (150'). (See Figure II-3 in Appendix A)

(b) Rear Yard - The zoning administrator shall determine the required rear yard for a corner lot based on the existing or proposed orientation of the principal building and taking into consideration the orientation of buildings on adjoining properties. (See Figure II-3 in Appendix A)

(Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-221. Requirements for existing through lots.

In the case of existing through lots which are already developed, the front yard shall be determined by the zoning administrator based on the orientation of the primary structure. For existing through lots which are undeveloped, the front yard shall be oriented to the roadway with the lower traffic volume, unless in a non-residential zone or approved otherwise by the zoning administrator. In all cases of further development of existing through lots, the zoning administrator may require the recording of a restricted access easement across the rear of the property, when it is found that the overall transportation safety and system efficiency would be improved by such action. The creation of through lots shall only occur in accordance with section 20.5-70(f) of the subdivision ordinance. A minimum building setback of thirty feet (30') from a public street right-of-way shall be maintained, regardless of yard, unless a larger setback is otherwise required.

Sec. 24.1-222. Yard requirements in built up areas.

Where fifty percent (50%) or more of the lots within a block are occupied by existing buildings and the average yards (front, rear, or side) of the existing principal buildings are less than that required by this chapter, the average so established may be taken in lieu of that which is otherwise required, provided however that in no case shall a front yard depth so determined be less than twenty feet (20'), or less than the setback line described on a recorded subdivision plat. Any front setback so determined shall be increased as necessary to accommodate any right-of-way reservation area required pursuant to the terms of section 24.1-223. In the case of side or rear yards, no side yard shall be less than ten feet (10') nor shall a rear yard be less than twenty feet (20'). For the purpose
of this calculation, only those lots on the same side of the street on either side of the lot in question for a distance
of six hundred feet (600') or to the nearest street intersection, whichever is less, shall be included within the calcu-
lation of the average yard unless the zoning administrator shall determine, in writing, that a greater or lesser dis-
tance is appropriate based on clearly discernible development patterns and community character.
(Ord. No. 05-13(R), 5/17/05)

Sec. 24.1-223. Front yard requirements adjacent to substandard rights-of-way.

In the event a property being developed abuts a public or private street which has a right-of-way width which is
substandard under the standards of the Virginia Department of Transportation or less than the width necessary to
accommodate future road improvements based on the comprehensive plan of the county or the plans of the Vir-
ginia Department of Transportation or Hampton Roads Metropolitan Planning Organization, the normally required
front yard and front perimeter landscape yard depths for said development shall be increased by an amount which
is equal to one-half (1/2) of the total right-of-way deficiency. The area so added shall be reserved for future road-
way construction, and no structures shall be erected with it in anticipation of the area being incorporated into
the existing street right-of-way.

Sec. 24.1-223.1. Special requirements adjacent to unused rights-of-way

In the case of a parcel abutting a primary system highway that is not a limited access roadway or a frontage road
associated with a limited access roadway and that is not planned for widening in the current Virginia Department
of Transportation Six-Year Plan or in the current Regional Transportation Plan or the York County Comprehensive
Plan, if the front property line of said parcel is 50 feet or more from the edge of the existing pavement the 20-foot
front landscaped yard required by section 24.1-244 may be reduced to five feet, provided that the Virginia De-
partment of Transportation will allow the landscape planting requirements specified by section 24.1-242 to be met
by plantings which shall be installed by the property owner within that 5-foot area and the 15 feet of right of way
closest to the front property line, and the 10-foot setback for signs required by section 24.1-702 may be waived
and the sign may be located in the area between the normal setback line and the front property line or, in the
event the Virginia Department of Transportation authorizes such placement through a land lease or permit ar-
rangement, may be located within 10 feet of the front property line of the parcel and within the VDOT right-of-way,
provided however, that any new sign installed pursuant to this section shall be a monument style sign. Should
such lease/permit be terminated by VDOT, or should the subject 10-foot area be needed for a public utility project,
the property owner shall be responsible for relocating the sign to comply with all applicable sign setback standards
then in effect.
(Ord. No. 05-22(R), 8/16/05)

Sec. 24.1-224. Minimum principal building separation.

In the case of development proposals where two (2) or more principal structures are permitted to be located on a
single lot, such structures shall be located at least twenty feet (20') from one another.

Sec. 24.1-225. Special yard regulations.

The following special yard regulations shall apply to the development of property:

(a) Awnings and bay windows which are not more than ten feet (10') wide may extend three feet (3') into a
required yard.

(b) The ordinary projections of eaves, gutters, uncovered stoops, uncovered landings, chimneys and flues
may extend into a required yard.

(c) Mechanical or HVAC equipment may be located in a required side or rear yard, or in required front or
side yards if screened from view from public streets and adjacent properties.

(d) Retaining walls determined to be necessary by accepted engineering practice for earth or building
stabilization shall be exempt from yard and setback requirements.

(e) Fences shall be subject to the specific requirements as set forth in division 7 of this article and shall not be subject to yard or setback requirements.

(f) For those lots that do not conform to a typical rectangular shape, lots that have no street frontage, or that abut a water body, and which are not covered by any of the special rules set forth in the preceding sections, the zoning administrator shall establish the location of the front, side and rear lots lines and the associated yards after evaluating the configuration of the property, the character and orientation of surrounding existing or potential land uses, the point(s) of access to the property, the existing or proposed building orientation, and such other factors as deemed appropriate.

(Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-226. Sight distance requirements at intersections

Sight triangles shall be required at all street intersections and site entrances. Sight triangles shall include the area on each corner of a street or entrance that is bounded on two (2) sides by lines running along the pavement edges of the intersecting streets or streets/driveways between the sight points and the point of intersection, and on the third side by a straight line (hypotenuse) connecting the two sight points (see Figure II-4 in Appendix A). The sight point location shall be determined as follows based on the roadway classification:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Distance of Sight Point from Point of Intersection with Another Street or with a Site Entrance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Feet</td>
</tr>
<tr>
<td>Access Street</td>
<td>20</td>
</tr>
<tr>
<td>Subcollector</td>
<td>20</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>30</td>
</tr>
<tr>
<td>Major Collector</td>
<td>40</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>50</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>60</td>
</tr>
</tbody>
</table>

(1) Signs, plantings, structures or other obstructions which obscure or impede sight lines between three feet (3') and six feet (6') in height above grade shall be prohibited within the sight triangle.

(2) The sight triangle shall be clearly shown and its purposes noted on all plats and plans.

(Ord. No. 08-17(R), 3/17/09)


DIVISION 3. GENERAL HEIGHT REGULATIONS


The general height regulations of the district in which a parcel is located shall apply to all principal and accessory structures except as may be specifically provided elsewhere in this chapter. The Airport Safety Management Overlay District height regulations set forth in section 24.1-371 may not be exceeded for any reason except as may be provided within the regulations of the overlay district.
Sec. 24.1-231. Exemptions from height regulations.

(a) The zoning administrator may grant administrative exemptions to the district height regulations to permit reasonable increases in height for the following situations:

(1) Church spires, belfries, cupolas, monuments, chimneys, water towers, fire towers, cooling towers, electric substation components, radio and television antennas may be permitted to exceed the height stipulated in the district regulations by no more than twenty-five percent (25%) if attached to a building, or to a maximum of one hundred feet (100') if free-standing. Wind turbines may be erected to a height not more than 25% greater than the district maximum if mounted on the roof of a commercial, industrial, or multi-family residential structure, or to a maximum of 40 feet if free-standing. The preceding height increase opportunities shall not apply to dish antennas, signs and flagpoles, or other similar structures. The zoning administrator shall determine whether a proposed height increase is necessary to serve a functional purpose as opposed to merely drawing attention to the structure.

(2) Parapet walls or similar structures may exceed the maximum height limit by not more than eight feet (8'). Such walls or structures shall not be used as, for, or to support signs. Pitched roofs on structures located in commercial and industrial zoning districts may exceed the maximum height limit by up to twenty-five percent (25%) provided that the zoning administrator determines that the actual number of building floors with habitable space is no greater than would be allowed with a flat roofed structure and provided further that the fire chief has reviewed and approved the proposed structure and site design to ensure appropriate accessibility for effective fire containment and control, including specifically the location of fire lanes to facilitate the positioning of fire-fighting apparatus and equipment during an emergency response.

(3) Except as noted above, no accessory building or structure shall exceed the maximum height limitation established for the district or the height of the structure to which it is accessory, whichever is less, provided, however, that buildings which are accessory to a single-story building may be constructed to a maximum height not exceeding 1.25 times the height of the principal building. In cases where this is permitted, the accessory building shall be separated from the principal building by a distance of at least twenty feet (20').

(4) Buildings and structures used in conjunction with a bona fide agricultural use in an RC or RR district shall be exempt from the height limits specified for those districts. This exemption shall not apply to buildings constructed in conjunction with horsekeeping activities as a residential accessory use.

(b) The board, after conducting a duly advertised public hearing, may authorize exemptions to the height regulations which exceed those which may be authorized administratively, as provided in subsection (a) above. In granting exemptions, the board may impose reasonable conditions. No exemption shall be granted which violates the terms of the airport safety management overlay district.

(Ord No. O98-18, 10/7/98; Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09; Ord. No. 10-2, 3/16/10)

Sec. 24.1-232. Additional setbacks for structures in excess of fifty feet (50').

(a) Buildings in excess of fifty feet (50') in height, such height for the purposes of this subsection being measured to the highest part of the roof, shall have accessible fire lanes surrounding the entire building which are determined, by the fire chief, to be appropriate for effective fire containment and control in the building.

(b) Any two (2) buildings in excess of fifty feet (50') in height, such height for the purposes of this subsection being measured to the highest part of the roof, shall be separated from each other by no less than forty feet (40').

(Ord. No. 10-1(R), 1/19/10)

Sec. 24.1-233. Special provisions for single-family detached dwellings with increased heights.

(a) Ridgeline or Highest part of the Roof Exceeding Thirty-five Feet (35'): Any single-family detached
dwelling having a ridgeline or highest part of the roof in excess of thirty-five feet (35') above average finished grade shall be designed and constructed to meet the following standards:

(1) Exterior access to both the roof and the uppermost occupied story shall be no higher than thirty feet (30') above finished grade at any point.

(2) The building and site shall be designed and maintained to ensure there are no obstructions that would impede or prevent access by ground ladders or aerial ladder devices to the uppermost story or roof area.

(3) No such structure or portion thereof shall be further than six hundred feet (600') from a fire hydrant.

(4) In situations where the fire hydrant distance requirement cannot be met, the applicant may choose to install an automatic residential fire sprinkler system, approved by the Department of Fire and Life Safety and in conformance with applicable National Fire Protection Association standards (or an approved equivalent). Such system shall be designed to protect all living spaces, garage areas and other spaces deemed necessary by virtue of the building design and, in addition, the building shall be equipped with appropriate fire/smoke detection devices in accordance with the terms of the Building Code. This option shall be available only to those properties served by a public water supply and located within 1,200 feet of a fire hydrant (provided the structure does not require more than one hydrant for adequate fire flows), and provided that the structure, including garage/attic/concealed spaces, is protected by a monitored fire detection and alarm system.

Sec. 24.1-233.1. Special height allowances for single-family detached dwellings located in the 100-year flood hazard zone.

The allowable building height for single-family detached residential structures located in a Special Flood Hazard Area determined pursuant to the terms of Section 24.1-373 of this Chapter may be increased by one foot (1') for each foot the structure is elevated above the base flood level, not to exceed however a building height of forty-five feet (45'), subject to the following standards and requirements:

(a) The minimum required front, side and rear building setback of structures constructed pursuant to this section shall be increased by one foot (1') for every one foot (1') of building height in excess of thirty-five feet (35').

(b) All applicable procedures and requirements of Section 24.1-233 shall be observed.

DIVISION 4. LANDSCAPING, BUFFER, AND GREENBELT REGULATIONS

Sec. 24.1-240. Intent.

The following regulations are intended to establish minimum standards for landscape design and for the preservation of trees in order to better control soil erosion and the transport of sediment, protect and improve the quality of surface and groundwaters, screen noise and dust, and preserve, protect and enhance the natural and built environment.

The transitional buffer regulations established herein are intended to minimize potential conflicts between development on properties located in abutting zoning districts of differing intensities. The purpose of transitional buffers is to ensure that a natural area of appropriate size and density of plantings is located between potentially incompatible land uses.

The greenbelt regulations established herein are intended to implement the specific comprehensive plan designations of greenbelts.

(Ord. No. 03-42(R), 12/2/03)

Sec. 24.1-241. Landscape plan.

(a) A landscape plan shall be:

(1) Required in conjunction with any development project requiring site plan or development plan approval;

(2) Prepared and/or certified by a landscape architect, landscape nursery person, horticulturalist, or other design professional practicing within their area of competence; provided, however, that in the case of development proposals involving sites located on a secondary system roadway and classified IL or IG, the landscaping plan may be prepared by the property owner;

(3) Shall cover the entire project area included in the overall site plan or development plan for which approval is sought.

(b) A landscape plan submitted to meet the requirements established by the provisions of this chapter shall include the following information and existing and proposed site landscape features:

(1) Location and identification by size and name, both common and botanical, of all heritage, memorial or specimen trees in open areas on the site which are proposed to be disturbed. In wooded areas, the woodline before site preparation, average size, and predominant species of trees shall be noted, except that any heritage or memorial, within a wooded area proposed for clearing shall be individually located and identified by size and name, both botanical and common.

(2) Existing vegetation to be saved shall be indicated and noted accurately if credits for tree preservation are being proposed or claimed.

(3) Location, dimensions and area of all required buffer and landscape yards, including transitional areas.

(4) Location and description of other proposed landscape improvements such as earth berms, walls, fences, or paved areas including notes and details to describe fully the methods and materials proposed.

(5) Plant list or schedule to include common and botanical name, quantity, spacing and size at time of planting of all proposed plants.

(6) Locations and labels of all proposed plants.

(7) Planting, installation details and tree protection details as necessary to ensure conformance with the standards in section 24.1-242.

(8) Schedules or lists showing required and proposed quantities for landscape items required...
CODE OF THE COUNTY OF YORK, VIRGINIA

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by the zoning ordinance.

(c) In preparing landscape plans the following factors shall be considered:

(1) Location of trees, shrubs, groundcovers and other landscaping to utilize effectively the natural capacities of plant materials to intercept and absorb airborne and runoff-related pollutants and to reduce runoff volume, velocity and peak flow increases caused by development.

(2) Preservation and protection of existing viable and mature trees to the maximum extent feasible.

(3) Appropriateness of plants and locations for the specific characteristics of the site and the purpose for installation.

(4) A preference to designs and plant materials with reduced water needs.

(5) An emphasis on landscaping in front of the principal building on the site and on providing appropriate breaks in parking and vehicular areas.

(d) No site or development plan required under the terms of this chapter shall receive final approval unless a landscaping plan has been submitted and approved.

(e) No certificate of zoning compliance or certificate of occupancy may be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:

(1) Such plan has been implemented on the site; or

(2) Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the county in a form acceptable to the county attorney, and secured by a letter of credit, cash escrow or other instrument acceptable to the county attorney in an amount equal to the cost of such installation plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing vegetation or improvements (see sample agreement in Appendix B). An irrevocable fully executed contract with a landscape contractor or nursery providing for such installation shall be deemed to be a sufficient guarantee for the purposes of this section.

(Ord. No. 03-42(R), 12/2/03)


(a) Maintenance of landscaping and screening. The property owner, or the owner's successors, shall be responsible for the maintenance of all landscaping, fencing, and screening materials required by this chapter or under the terms of other development approvals and shown on an approved landscape plan. Failure to maintain such landscaping, fencing and screening shall be deemed a violation of this chapter.

(1) All plant material and planting areas required by this chapter or other development approval shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse, litter, and debris. The replacement provision for landscaping shall apply only to plants that were required to be installed or that were awarded preservation credits as part of the site plan approval process.

(2) All fences, walls, and screening required by this chapter shall be maintained in good repair.

(3) In the event that any required landscaping material shown on the plan is subsequently replaced, the new material shall conform with the original approved landscape plan, or an approved amended plan, with respect to size and characteristics of the plantings. In meeting the terms of this section, the replacement of mature trees which were counted toward the original landscape compliance shall be with trees of a similar species and of a size that meets the standards for new installations.

(b) Source standards. All plant materials installed on a site shall have been grown in conformance with
the American Standard for Nursery Stock, provided however that the zoning administrator may approve, in writing, the transplanting of trees or shrubs when such transplanting is done in accordance with accepted horticultural and silvicultural practices.

(c) Standards for berms and earth forms. All berms and earth forms required or otherwise proposed for use shall conform with the following standards (See Figure II-5 in Appendix A):

(1) Design should include physical variations in height and alignment

(2) Landscape plant material installed on berms and earth forms should be arranged in an irregular pattern to accentuate variation and achieve a natural appearance.

(3) Location and design shall minimize disturbance to existing trees located on the site or adjacent thereto.

(4) Sight triangle provisions contained in this chapter and the subdivision ordinance shall be observed.

(d) Layout and design standards. Except as may be otherwise required by this article, the following layout and design standards shall apply to all landscape plans:

(1) All trees installed to meet the requirements of this chapter shall be comprised of a combination of tree types (e.g., deciduous shade, evergreen, flowering ornamental) unless otherwise specified. No more than fifty percent (50%) of the required trees shall be of one type (i.e., deciduous, evergreen), nor shall more than twenty-five percent (25%) of the required trees be of a single species.

(2) All trees installed to meet the requirements of this chapter should be dispersed throughout the required planting areas, should be planted with a combination of single and groups of trees in a staggered, clustered or other pattern designed to complement the building and site design and promote appropriate views and sight lines. Trees shall not be installed in a continuous single row except where necessary and appropriate to meet screening or transitional buffer requirements.

(3) Shrubs, perennials and ornamental grasses installed to meet the requirements of this chapter should be installed in groupings and integrated with trees.

(4) Existing vegetation which is suitable for use in the landscape shall be preserved and used as required plantings to the maximum extent practicable. In no case shall any viable mature, heritage, memorial, specimen or significant tree be removed from any buffer area or landscape preservation easement except to accommodate necessary entrances or utility service to the site which cannot be relocated in an appropriate manner or where such preservation would create or perpetuate demonstrable public health, safety, or welfare hazards.

(5) Impervious surface area should be limited to the minimum amount necessary to accommodate the desired development and ensure appropriate levels of parking, traffic safety, and on-site circulation. The zoning administrator may require plan modifications which reduce the amount of impervious surface area without inhibiting site development and operation.

(6) Modifications of the layout and design standards contained herein may be approved by the zoning administrator upon a determination that all of the following conditions exist.

a. The proposed layout and design furthers a readily discernible theme or complements the architectural style of the structures on site. The lining of an entrance road or driveway with trees of the same species in straight lines parallel to the road or driveway in an attempt to further a colonial or antebellum theme expressed in the architecture of the buildings or the use of massed ornamental plantings to highlight or complement a unique architectural or natural feature are examples.

b. The proposed layout and design provides landscaping which will have the same or similar screening impact, intensity, or variation throughout the year when viewed from adjacent properties or rights-of-way as that which would be required by strict
interpretation of the standards contained in this subsection.

c. The proposed layout and design fully integrates and complements the existing trees to be preserved on the site.

(7) Any trees or shrubs installed or preserved on the site which exceed the minimum numerical requirements of this chapter shall not be subject to the species mixture, locational, maintenance or replacement requirements contained herein.

(e) Tree protection standards.

(1) Trees which are to be preserved on site shall be protected before, during and after the development process utilizing accepted practices. At minimum, the tree protection practices set out in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992 shall be utilized.

(2) Trees selected for preservation in order to obtain landscaping credits shall be shown on the landscape plan and clearly marked in the field. In woodland areas, groups of trees shall be selected for preservation rather than single trees wherever possible.

(3) Trees and groups of trees which are to be preserved shall be enclosed by a temporary fence or barrier to be located and maintained five feet (5') outside of their dripline during construction. Such a fence or barrier shall be installed prior to clearing or construction, shall be sufficient to prevent intrusion into the fenced area during construction, and in no case shall materials, vehicles or equipment be stored or stockpiled within the enclosure. Within the fenced area, the topsoil layer shall not be disturbed except in accordance with accepted tree protection practices.

(4) The developer shall be responsible for notifying all construction personnel of the presence and purpose of clearing limits and protective fences or barriers and for ensuring that they are observed.

(5) Where grade changes in excess of six inches (6") from the existing natural grade level are necessary, permanent protective structures such as tree wells or walls shall be properly installed.

(f) Selection of trees for preservation. In determining which trees shall be preserved during the development process, consideration shall be given to preserving trees which:

(1) Are heritage, memorial, significant and specimen trees

(2) Complement the project design including the enhancement of the architecture and streetscape appearance

(3) Can tolerate environmental changes to be caused by development (i.e., increased sunlight, heat, wind and alteration of water regime)

(4) Have strong branching and rooting patterns

(5) Are disease and insect resistant

(6) Complement or do not conflict with stormwater management and Best Management Practice designs

(7) Are located in required buffer areas

(8) Exist in natural groupings, including islands of trees

(9) Do not conflict with necessary utility, structure, parking area, roadway or sidewalk placements

(10) Have been recommended by the Virginia Department of Forestry, the York County Cooperative Extension Service or a qualified arborist or urban forester for preservation.

(g) Species standards. All required landscape plant material proposed to be installed on the site shall
be selected from the appropriate listing of recommended plant material contained in tables II-1 through II-7 in Appendix A and shall be of the minimum sizes noted provided, however, that alternative species may be used, upon certification by a certified landscape architect, landscape nurseryman or horticulturalist that said species have a rated hardiness and growth habit appropriate for the intended location. Particular attention shall be given to selecting trees and shrubs based on the area in which they will be installed (e.g., landscaped yards, parking areas, adjacent to buildings, etc.) and the lists contained in Appendix A will assist in the selection and review of a landscaping design. In addition, landscaping shall be selected and arranged with appropriate attention to future growth and maturity in order to accommodate visibility, safety and aesthetic considerations without need for future severe pruning or removal.

All landscaping required within this chapter shall conform with the following minimum size standards unless specifically modified by other provisions contained herein:

(h) **Numerical standards:**

1. Unless a greater or lesser number or ratio is specified elsewhere in this chapter as it pertains to specific development types and forms, the following planting ratios shall be required (all fractional calculations shall be rounded up to the next highest whole number):

<table>
<thead>
<tr>
<th>Location</th>
<th>Landscape Credit Unit (LCU) Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(required credits per 100 linear feet measured at lot line or building face)</td>
</tr>
<tr>
<td>Front Yard</td>
<td>40 credits per 100 feet</td>
</tr>
<tr>
<td>Side Yard(s)</td>
<td>10 credits per 100 feet</td>
</tr>
<tr>
<td>Building Perimeter</td>
<td>15 credits per 100 feet</td>
</tr>
<tr>
<td>Parking Lot</td>
<td>15 credits per 10 spaces</td>
</tr>
</tbody>
</table>

In the case of front yards, side yards and parking lots, a minimum of 50% and a maximum of 75% of the landscaping credits must be earned from trees. In the case of building perimeters, a minimum of 25% and a maximum of 50% of the landscaping credits must be earned from trees. Ornamental grasses and perennials may be incorporated into the landscape design and shall be eligible for achieving up to 25% of the required/proposed shrubs credits.

2. Landscaping credits shall be awarded/earned based on the values established in the following table:

<table>
<thead>
<tr>
<th>Landscape Credit Unit (LCU) Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Planting</td>
</tr>
<tr>
<td>Deciduous (Minimum Caliper)</td>
</tr>
<tr>
<td>Trees</td>
</tr>
<tr>
<td>3 inches</td>
</tr>
<tr>
<td>2.5 inches</td>
</tr>
<tr>
<td>2 inches</td>
</tr>
<tr>
<td>1.5 inches</td>
</tr>
<tr>
<td>Shrub</td>
</tr>
<tr>
<td>Ornamental Grasses or Perennial Beds</td>
</tr>
<tr>
<td>Existing Tree</td>
</tr>
<tr>
<td>Minimum Caliper</td>
</tr>
<tr>
<td>Mature</td>
</tr>
<tr>
<td>Large</td>
</tr>
<tr>
<td>Medium</td>
</tr>
<tr>
<td>Small</td>
</tr>
</tbody>
</table>

(Ord. No. 03-42(R), 12/2/03; Ord. No. 08-17(R), 3/17/09)

(a) **Buffer types.** Transitional buffers of the following types shall be provided in the situations identified by the entries in the table contained in section 24.1-243(b) below. Where there is no entry for a particular combination of districts, no transitional buffer shall be required. The layout, design, and arrangement of the prescribed numbers and types of landscape materials shall be in accordance with the provisions of section 24.1-242 of this chapter. Plants shall be positioned to achieve the greatest benefit in terms of buffering the views of adjacent and potentially incompatible uses. The use of staggered double rows of plant materials is encouraged as a technique to achieve maximum screening benefits. Shrubs planted in the transitional buffer shall be of a type that will have a mature height of at least four (4) feet and when located within an existing or newly planted wooded area, shall be selected based on their suitability for shaded areas and any other growth-inhibiting characteristics of the subject area.

1. **Transitional Buffer Type 25:** shall consist of a strip of open space, a minimum of twenty-five feet (25') wide, landscaped with evergreen trees and shrubs to achieve a minimum of 0.75 landscape credits for every linear foot measured along the outside edge of the transitional buffer. A maximum of 70% of the landscape credits may be earned from shrubs.

2. **Transitional Buffer Type 35:** shall consist of a strip of open space, a minimum of thirty-five feet (35') wide, landscaped with evergreen trees and shrubs to achieve a minimum of 1 landscape credit for every linear foot measured along the outside edge of the transitional buffer. A maximum of 70% of the landscape credits may be earned from shrubs.

3. **Transitional Buffer Type 50:** shall consist of a strip of open space, a minimum of fifty feet (50') wide, landscaped with evergreen trees and shrubs to achieve a minimum of 1.25 landscape credits for every linear foot measured along the outside edge of the transitional buffer. A maximum of 50% of the landscape credits may be earned from shrubs.

4. Upon specific written request, the zoning administrator may modify the landscaping requirements for transitional buffers which have been designed by a certified landscape architect in order to preserve mature trees, facilitate a clearly discernible development and planting theme, or complement the arrangement and type of surrounding landscaping provided, however, that the landscape architect must certify that the modified buffer will provide at least the equivalent buffering as would otherwise be required and that the buffering will be from landscape means (i.e., exclusive of fencing).

5. The zoning administrator may require supplementary fencing either temporarily or permanently in order to ensure that the appropriate degree of visual buffering and noise attenuation is achieved.

(b) **Transitional buffer provision matrix.** Transitional buffers shall be provided as follows:

<table>
<thead>
<tr>
<th>TRANSITIONAL BUFFERS</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>COMMERCIAL &amp; INDUSTRIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC RR R33 R20 R13 R7 YVA PD RMF NB WCI LB GB EO IL IG</td>
<td></td>
</tr>
<tr>
<td>RC</td>
<td>X</td>
<td>25 25 25 35 35 35 50</td>
</tr>
<tr>
<td>RR</td>
<td>X</td>
<td>25 25 35 35 35 35 50</td>
</tr>
<tr>
<td>R33</td>
<td>X</td>
<td>25 25 35 35 35 35 50</td>
</tr>
<tr>
<td>R20</td>
<td>X</td>
<td>25 25 35 35 50 50 50</td>
</tr>
<tr>
<td>R13</td>
<td>X</td>
<td>25 25 35 35 50 50 50</td>
</tr>
<tr>
<td>R7</td>
<td>X</td>
<td>25 25 35 35 50 50 50</td>
</tr>
<tr>
<td>YVA</td>
<td>X</td>
<td>25 25 25 35 35 50 50</td>
</tr>
<tr>
<td>PD</td>
<td>X</td>
<td>25 25 25 35 35 50 50</td>
</tr>
<tr>
<td>LB</td>
<td>25 35 35 35 35 35 25 25 X 35 50</td>
<td></td>
</tr>
<tr>
<td>GB</td>
<td>25 35 35 35 35 35 25 25 X 35 50</td>
<td></td>
</tr>
</tbody>
</table>
Buffer location standard. Transitional buffers shall be installed along the zoning district lines at such time as any development or site modification requiring site plan approval on property abutting such district lines occurs. For the purposes of the following provisions, residentially-zoned property that has been subdivided into lots or that has an area of less than 2.5 times the minimum lot size for the district in which located shall be considered "developed" property, whether or not houses have been constructed on those lots. The location of transitional buffers shall be determined as follows:

(1) Where both properties are currently undeveloped and one of the properties is residentially-zoned, the buffer shall be established entirely on the residentially zoned property whenever it develops. In other situations where both properties are undeveloped, one-half (1/2) of the required transitional buffer shall be established on each of the parcels in the order in which developed. The width of the buffer on the respective properties may be modified by mutual agreement of the property owners involved as evidenced by a lawfully executed agreement(s) and easement(s) between the property owners specifying how the buffer is to be shared; such agreement(s) and easement(s) shall be recorded at the expense of the applicant in the name of the property owner(s) as grantor(s) in the office of the clerk of the circuit court. A landscape preservation easement shall be established over the area encompassed by the required buffer with the county and each property being granted rights under that easement.

(2) Where one property has previously been lawfully developed, the required transitional buffer shall be provided entirely on the undeveloped property unless an agreement evidenced by a lawfully executed easement between the two property owners to share the buffer in a mutually agreeable manner is executed; such easement shall be recorded at the expense of the applicant in the name of the property owners as grantors in the office of the clerk of the circuit court. In the latter case, the zoning administrator shall ensure that the required buffer is installed in an acceptable manner and that a landscape preservation easement is granted over the buffer areas to the county and each of the subject properties. When a commercially or industrially-zoned parcel occupied by a residential structure is being redeveloped for non-residential purposes and the parcel abuts a residentially-zoned parcel that is "developed" as defined above, the parcel zoned commercial or industrial shall be considered "undeveloped" and shall meet the buffer standards prescribed in subsection (2) above.

(3) Where the properties on both sides of the zoning line have been previously developed, but one is being redeveloped or otherwise modified to the extent that site plan review and approval is required, said property shall be responsible for providing ½ of the normally required transitional buffer as part of the redevelopment/site modification plan. When the property being redeveloped is commercially or industrially-zoned and is occupied by a residential structure that is being converted to non-residential use or being demolished, and the parcel abuts a residentially-zoned parcel that is "developed" as defined above, the parcel zoned commercial or industrial shall be considered "undeveloped" and shall meet the buffer standards prescribed in subsection (2) above.

(4) Where the zoning district line is defined by the centerline of a right-of-way, the transitional buffer shall be installed along the right-of-way line on the property having the higher zoning intensity.

(The chart in subsection (b) above lists the zoning districts in order of intensity from least intense at the top and left to most intense at the bottom and right.)

The zoning administrator may grant relief from these requirements as provided in subsection (f) of this section.

Design standards.

(1) Transitional buffers shall be continuous except where driveways or other breaks are necessary. To the extent possible, driveways should be curved in order to preserve the view-obstructing qualities of the transitional buffer area. Multiple breaks of the transitional area
shall not be permitted except to provide an efficient and safe site access and internal circulation pattern.

(2) Transitional buffers shall not be used for accessory structures, storage, or off-street parking or loading.

(3) Utility easements shall not be located within transitional buffers except those which cross the buffer at a right angle. Where the zoning administrator determines that a certain utility location or configuration which is essential conflicts with this standard, the administrator may, in writing, modify this requirement by imposing different standards to achieve an equivalent buffering effect.

(e) Relationship between transitional buffer and other elements. Transitional buffers shall relate to other required design elements as follows:

(1) Yard requirements and setbacks. Where a transitional buffer is required along a property line, the minimum yard and setback along said property line shall be the greater of the yard and setback required for the particular zoning district or the width of the transitional buffer.

(2) Landscape yards. Landscape yards may be incorporated into the transitional buffer and no additional landscaping above and beyond that required for the transitional buffer shall be necessary.

(f) Modification of buffer standards.

(1) Where the zoning district boundary line which requires a transitional buffer follows a public street or highway right-of-way of less than ninety feet (90') in width, the following shall apply:

a. Where an industrial district abuts a residential district, the normally applicable transitional buffer shall be provided and may not be reduced or modified in any way;

b. In any situation other than an industrial district abutting a residential district, the required transitional buffer may be reduced to one-half (1/2) the normally required width, or twenty feet (20'), whichever is greater. In such cases, the landscaping and design standards for the required transitional buffer yard may be modified to include appropriate trees and shrubs which visually screen all parking, loading, and storage areas, but not the buildings; however, in no case shall the planting ratio be less than that required for a Type 25 Buffer.

(2) Where the zoning district boundary line which requires a transitional buffer follows a public street or highway right-of-way ninety feet (90') or greater in width, no transitional buffer shall be required.

(3) Where adjacent properties of differing zoning intensities are being developed in a cohesive, planned and coordinated manner under the equivalent of a master development plan, the zoning administrator may waive or reduce any transitional buffer required along zoning district lines which are internal to the development.

(4) Where the adjacent property giving rise to the need for a transitional buffer is under public ownership, is likely to remain under public ownership, and is managed for watershed purposes, the otherwise required transitional buffer shall be waived. Where the adjacent public land is managed as public park land, the zoning administrator may modify or waive the transitional buffer requirement consistent with the public interest in the park land.

(5) Where property on which a transitional buffer is required has already been developed in a manner which precludes full implementation of these requirements, the zoning administrator may modify these requirements on a case-by-case basis to achieve as much of the desired buffering as is possible. In making such modifications, the zoning administrator may consider balancing the existing development with the needs of the community at large. Modifications could, for example, include the use of berms or increased numerical planting requirements in lieu of the otherwise required transitional buffer width.

(6) Where the zoning district boundary along which a transitional buffer is required traverses environmentally sensitive land or water features, the zoning administrator may modify the
Where a properly engineered and designed landscaped berm is proposed to supplement the screening / buffering qualities of a required transitional buffer, the zoning administrator may authorize up to a 25% reduction in the required buffer width. Minimum heights for berms proposed for this purpose shall be as follows:

- Type 25 Buffer - Minimum Height: 2 feet
- Type 35 Buffer - Minimum Height: 3 feet
- Type 50 Buffer - Minimum Height: 4 feet

(g) **Transitional buffers abutting properties in adjacent jurisdictions.** Where a commercial or industrial district abuts property in an adjacent locality which is in a residential zoning district and used as such, a transitional buffer shall be provided as if the abutting property were classified RC (resource conservation).

(Ord. No. 03-42(R), 12/2/03; Ord. No. 09-22(R), 10/20/09; Ord. No. 14-12, 6/17/14)

**Sec. 24.1-244. Landscape yards.**

(a) All proposed new developments shall include landscape yards around the perimeter of the site and the buildings erected on the site in order to facilitate adequate control and management of storm-water runoff and of non-point source pollution as well as to enhance the aesthetics of the project. In the case of expansions or redevelopment of existing development, perimeter landscape yards of the specified size, or as near to that size as determined practical by the zoning administrator, shall be provided on all sides of the site adjacent to such expansion or redevelopment.

(1) The minimum dimensions of landscape yards around the site perimeter shall be twenty feet (20’) for front yards and ten feet (10’) for side and rear yards, to be measured from the lot line or, where drainage ditches or structures are located or are proposed to be located along lot lines, from the top or inside edge of the open ditch or structure. Landscape yards, as required herein, may include driveways providing access to other parcels in an effort to promote unified project design.

(2) The zoning administrator may approve the transfer of up to fifty percent (50%) of the required landscape yard located behind the rear of the principal building on the site to the area in front of the principal building on the site provided that all of the following conditions are met:

a. No remaining landscape yard shall be less than five feet (5’) in width;

b. The total amount of landscaped open space on the site is not less than it would be without the transfer; and

c. No required transitional buffer is reduced.

(3) Landscape yards shall be landscaped with trees, shrubs, bushes, plant material and ground cover in accordance with the provisions of section 24.1-242 of this chapter. If transfers have occurred, the transferred area shall be landscaped in accordance with the requirements for the area from where it was transferred.

(b) A landscaped open space strip a minimum of ten feet (10’) in width shall be provided adjacent to and surrounding all buildings and shall be landscaped in accordance with the provisions of section 24.1-242 of this chapter. This open space strip may be bisected by necessary entrances to the building and may include bicycle accommodations and pedestrian sidewalks serving the entrances provided that no more than fifty percent (50%) of the open space strip may be comprised of impervious surfaces. In no case shall off-street parking be located within ten feet (10’) of any building on the site.

(1) That portion of this landscaped open space required at the rear of the principal building may be transferred to the perimeter landscape yard in order to provide additional screening and buffers for adjacent streets or developed properties.
(2) Where the proposed structure, by reason of its intended use and market orientation, re-
quires vehicular access into the front, sides or rear of the building, the zoning adminis-
trator may approve the transfer of the required landscaped open area adjacent to the
structure to the perimeter landscape yard in order to provide additional screening and buff-
ers for adjacent streets or developed properties. At least fifty percent (50%) of the area
transferred shall be transferred to that portion of the perimeter area located in front of
the principal building on the site.

(2) If transfers have occurred, the transferred area shall be landscaped in accordance with the
requirements for the area from where it was transferred.

(Ord. No. 03-42(R), 12/2/03)

Sec. 24.1-245. Greenbelts.

(a) Greenbelts shall be provided contiguous to the street right-of-way along the following roads in ac-
cordance with the specified minimum widths:

(1) Bypass Road (Route 60) - 35 feet

(2) Denbigh Boulevard (Route 173) - 35 feet

(3) Fort Eustis Boulevard (Route 105) - 35 feet

(4) Hampton Highway (Route 134) - 35 feet

(5) Merrimac Trail (Route 143) between I-64 at Exit 230 (Camp Peary/Colonial Williamsburg)
and Queen Creek - 45 feet

(6) Penniman Road (Route 641) between the Colonial Parkway and Route 199 - 45 feet

(7) Route 132 - 45 feet

(8) Route 199 - 45 feet

(9) Victory Boulevard (Route 171) - 35 feet

(10) East Rochambeau Drive from Oaktree Road (west) intersection to Mooretown Road and
from Mooretown Road to dead end - 45 feet

(11) Mooretown Road from Lightfoot Road to a point 1,400 feet south of its intersection with
Clark Lane - 45 feet

(12) Mooretown Road from Airport Road to Waller Mill Road - 45 feet

(13) Lightfoot Road from Route 60 to Rochambeau Drive (west) - 45 feet, except where the par-
cel also has frontage on Route 199, in which case the Lightfoot Road greenbelt shall be 35
feet.

(14) Rochambeau Drive (west) from Lightfoot Road to James City County line - 45 feet

(15) Interstate 64 – 45 feet

The 10-foot perimeter landscape strip normally required at the rear of buildings by Section 24-
244(b) of this Chapter shall not be required on parcels subject to the 45-foot Greenbelt provision.

(b) Along the Colonial Parkway, a greenbelt of no less than three hundred feet (300’) from the nearest
edge of the roadway shall be provided. This may include property owned by the National Park Ser-
vice.

(c) The greenbelt shall be left in an undisturbed natural state, unless the board, after conducting a duly
advertised public hearing, authorizes clearing or development. Unvegetated or under-vegetated
greenbelts shall be landscaped in accordance with the following planting requirements as if they
were front yards:
Normally required front yard landscape credits may be counted toward these requirements. Nothing in this section however, shall be interpreted to preclude the following activities within greenbelts: (1) the planting of additional trees, shrubs or groundcovers, or the maintenance thereof; (2) the construction and maintenance of bicycle and pedestrian facilities; (3) the establishment, construction, and maintenance of necessary entrances to the site; (4) limited clearing of underbrush, nuisance plants, dead or diseased plants/trees, or limbs/understory necessary to provide reasonable sight lines to a commercial establishment; or (5) the installation of utilities necessary to serve the development provided that the crossing of the greenbelt minimizes disturbance to the greatest extent possible; or (6) the installation of signs which do not require disturbance of existing trees, except to the extent necessary to open limited sight lines for the signs. All of these may occur under the terms of an approved plan.

Where an existing or proposed utility easement greater than twenty (20) feet in width runs parallel to the right-of-way requiring the greenbelt, the required greenbelt dimension shall be increased by one (1) foot for every foot of easement width in excess of twenty (20) in order to ensure the availability of sufficient unencumbered greenbelt width for retention or placement of landscaping.

If approved, modifications shall preserve the feeling and sense of the natural character of the greenbelt as it currently exists and application for modifications shall contain pre-development and post-development renderings. In the event the board approves disturbance of a greenbelt, it may require the area to be re-landscaped at the ratios specified for unvegetated buffers, or at such other ratios as it may deem appropriate. The cost of advertising and conducting public hearings to consider modifications shall be borne by the developer making the request.

Greenbelts shall be open space that is owned and maintained by a property owners’ association, conservation land trust, or equivalent entity. Alternatively, a landscape preservation easement granted to the county or an appropriate land trust may be utilized.

Commercial properties fronting greenbelt roads shall be permitted to open limited sight lines which allow indirect views of buildings, but generally block views of parking. Such sight line clearing shall be shown on the landscape plan for the site which shall include both plan and perspective views.

For purposes of calculating residential densities, the area encompassed by the greenbelt shall be considered as developable acreage in such computations.


DIVISION 5. TRANSPORTATION SYSTEMS ANALYSIS, MANAGEMENT AND SAFETY

Sec. 24.1-250. Intent.

The traffic analysis and management requirements established herein are intended to promote a safe and efficient transportation network by minimizing potential traffic conflicts.

Sec. 24.1-251. General traffic management and analysis requirements.

(a) Applicability. The provisions of this section shall apply to all new development as follows:

(1) Any residential, commercial, industrial use, or combination thereof, where the anticipated average weekday twenty-four (24) hour traffic generation, using the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition or as it may from time to time be amended) equals or exceeds one thousand (1,000) trip ends or where the traffic volume during a peak hour equals or exceeds one hundred (100) trip ends unless the zoning administrator shall determine, in writing, that such analysis is unnecessary due to the existence of previous studies and analyses which adequately cover the extent of the proposed development and its traffic im-
(2) Any development or subdivision of a portion of property where the potential average weekday twenty-four (24) hour traffic generation, using the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition or as it may from time to time be amended) for the developable portion of the entire property based on permitted uses under existing zoning equals or exceeds one thousand (1000) trip ends or where the traffic volume during a peak hour equals or exceeds one hundred (100) trip ends, regardless whether the remainder of the property is currently proposed for development unless the zoning administrator shall determine, in writing, that such analysis is unnecessary due to the existence of previous studies and analyses which adequately cover the extent of the proposed development and its traffic impact.

(3) Any request for amendment of the zoning map or for a special use permit other than those requests initiated by the commission or board, where the anticipated average weekday twenty-four (24) hour traffic generation, using the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition or as it may from time to time be amended) equals or exceeds one thousand (1000) trip ends or where the traffic volume during a peak hour equals or exceeds one hundred (100) trip ends unless the zoning administrator shall determine, in writing, that such analysis is unnecessary due to the existence of previous studies and analyses which adequately cover the extent of the proposed development and its traffic impact.

(4) Any non-residential development which proposes to access a street which is residential in character and classified as a minor collector or lower order street.

(5) Any other development proposal which, as determined by the zoning administrator, has a significant potential to cause or aggravate traffic safety or congestion problems and, as such, would benefit from a professional review of proposed access and circulation designs.

(b) Special standards and requirements.

(1) For any development described in subsection (a) above, a traffic impact analysis, prepared by a transportation engineer or planner, shall be submitted for review and consideration by the county and the Virginia Department of Transportation. A minimum of five (5) copies of such traffic impact analysis shall be submitted to the county at the same time as the initial application for development or zoning approval. Subdivision plats, site plans, rezoning applications, use permit applications, and other development proposals for which a traffic impact analysis is required shall not be deemed to be received until the traffic impact analysis is submitted.

(2) The submitted traffic impact analysis shall, unless otherwise approved by the zoning administrator in writing, contain the following information and analysis:

   a. Existing conditions summary—including twenty-four (24) hour volumes, peak periods and peak volumes on adjacent roadways, peak periods and peak volumes of the generator, and peak hour factor(s); roadway geometrics; grades; lateral clearance; heavy vehicle, pedestrian, bicycle, and recreational vehicle percentages; existing lane configurations; traffic control devices and timing plans if signals are present and, if appropriate, level of service analysis.

   b. Future conditions summary—including the horizon (analysis) year(s) and the criteria used in its selection, committed future roadway improvements, traffic growth factors combined with forecasts for adjacent sites to determine future background traffic (both twenty-four (24) hour and peak period), and, if appropriate, level of service analysis, compared with existing conditions.

   c. Trip generation and design hour volumes—including traffic forecast for site development to include twenty-four (24) hour and peak hour volumes both for the traffic generator itself and on adjacent roadways. Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition, or as it may from time to time be amended) rates or equations shall be used unless verifiable local data is available. Any assumptions or adjustments shall be fully documented and, where appropriate, justified with source references provided.

   d. Trip distribution and traffic assignment—including a directional distribution of site traffic to its area of influence based on primary market, analogy, origin-destination, gravity model, or other similar methods. Each step in the process shall be fully and carefully documented.
e. **Design year total volumes**—developed for both twenty-four (24) hour and for the peak periods of the generator and on adjacent roadways.

f. **Capacity analysis**—including intersection and lane capacity based on the 1994 Highway Capacity Manual as it may from time to time be amended and revised. Where intersections (both signalized and unsignalized) are spaced in such proximity or the volumes are such that the intersection does not operate independently, appropriate progression and queuing analyses performed using a recognized methodology or analysis or simulation package must accompany the capacity analyses.

Capacity analyses shall be prepared for each potential access design scenario. Any assumptions and adjustments to the default values in the 1994 Highway Capacity Manual shall be fully documented and justified. These include, but are not limited to, peak hour factor, average running speeds, and cycle lengths, especially very short or long cycles. All worksheets shall be submitted.

g. **Traffic accidents and safety analysis.** The distribution and frequency of traffic accidents shall be analyzed and a determination made as to whether any safety deficiencies exist or will be caused or exacerbated. This shall specifically include a safety analysis of all proposed street extensions.

h. **Traffic improvements.** The recommended roadway and traffic network improvements based on the design hour in the design year shall be shown on a scaled plan sheet with appropriate narrative. Such improvements shall be designed to yield a minimum level of service of "C" as defined by the 1994 Highway Capacity Manual as it may from time to time be amended, supplemented, or revised. Where the existing conditions provide a current level of service (LOS) of less than "C," the improvements shall be designed to at least maintain the current volume to capacity ratio as determined by the methods contained in the 1994 Highway Capacity Manual without further degradation through the design year plus two (2) years. For intersections, the LOS "C" standard shall be met on an average of all movements basis. The developer shall be responsible for implementing the improvements proposed by the traffic study, subject to approval by the Virginia Department of Transportation. A detailed construction cost estimate of the required improvements shall be provided.

i. **Internal site improvements.** Including the number and width of driveway lanes, the appropriate throat lengths (both unobstructed and with cross traffic permitted) for ingress and egress points, stacking and queuing lanes, pedestrian accommodations, bicycle facilities, and any other facilities or accommodations and any other factor which could impact traffic operations along the adjacent roadways or overall traffic safety, both internal and external. The internal circulation system shall be designed to preclude stacking or queuing in the travel lanes of adjacent roadways during the peak hours of the traffic generator.

j. **Conclusions.** Including all conclusions of the analyst applicable to the site, particularly with respect to the appropriate timing and phasing of improvements. Timing and phasing must be clearly tied to identifiable stages of development or specific time frames. Conclusions about the relative safety of the post-development situation shall also be included.

k. **Summary of findings and recommendations.** An executive summary containing key findings and recommended actions.

(3) All intersections, commercial entrances, median breaks, pavement markings, driveways, or other roadway features potentially affecting traffic flow located within five hundred feet (500') of the proposed development as well as all intersections and driveways internal to the development shall be considered and either shown or clearly noted on a scaled plan submitted with the traffic impact analysis.

(Ord. No. 08-17(R), 3/17/09)

**Sec. 24.1-252. Access management.**

(a) Access to a use shall be considered to be part of the use and shall require an equivalent or greater intensity zoning classification, unless over a publicly owned and maintained right-of-way. Any entrance or driveway from an existing or proposed non-residential use to a street created as part of a residential sub-
division, classified as a minor collector or lower order and located within a residential zoning district shall be authorized only upon the issuance of a special use permit by the board. Prior to considering requests for such special exceptions, the board shall receive a recommendation from the commission and shall conduct at least one (1) public hearing advertised in accordance with section 15.2-2204, Code of Virginia, except that all property owners along the residential street proposed to be accessed shall be mailed notice of the proposal and the times and places when public comment may be offered. The commission shall also conduct a duly advertised public hearing before transmitting a recommendation to the board. This provision shall not apply to home occupations established and operated in accordance with this chapter, nor shall it apply to community recreation facilities constructed to serve the residential community in which located, nor shall it apply to pump stations and similar utility appurtenances.

(b) Driveways or entrances to streets classified as minor collector, major collector, minor arterial, and major arterial shall be appropriately limited in number and width and effectively spaced so as to preserve the public investment in the traffic carrying capacity of the roadway in general accordance with the recommendations contained in the National Cooperative Highway Research Program (NCHRP) Report 348, Access Management Guidelines for Activity Centers. Multiple access driveways to a single development shall be discouraged on collectors and prohibited on arterials. This shall specifically include shopping center development with frontage outparcels and similar types of developments. The following standards shall apply unless a more restrictive standard applies by virtue of the roadway having been constructed as a restricted or limited access roadway.

(1) **On streets classified as minor collectors.**

   a. Each lot (either existing or newly created) shall be entitled to one (1) entrance of requisite width per the standards of the Virginia Department of Transportation. Lots with greater than three hundred feet (300') of frontage on a single road shall be entitled to two (2) entrances.

   b. Additional entrances or access points may be permitted by the zoning administrator, with the concurrence of the Virginia Department of Transportation, if the need for and safety of such is substantiated by a traffic impact analysis prepared in accordance with section 24.1-251(b) of this chapter which shall include full analyses of the transportation system with and without the requested entrances or access points.

(2) **On streets classified as major collectors.**

   a. Each two (2) newly created abutting non-residential lots shall be entitled to one (1) entrance of requisite width per the standards of the Virginia Department of Transportation. Lots with greater than three hundred feet (300') of frontage on a single road shall be entitled to an unshared entrance which may be in addition to the shared entrance.

   b. Additional entrances or access points may be permitted by the zoning administrator, with the concurrence of the Virginia Department of Transportation, if the need for and safety of such is substantiated by a traffic impact analysis prepared in accordance with section 24.1-251(b) of this chapter which shall include full analyses of the transportation system with and without the requested entrances or access points.

(3) **On streets classified as minor arterials.**

   a. Each development shall be entitled to one (1) access to the street. All internal development shall be served by an internal access system which connects to the minor arterial at the single permitted access point. A second access point, which shall be a part of and directly connected to the overall internal access system may be permitted where the total frontage along the minor arterial exceeds four hundred feet (400'). For purposes of this section, subsequent construction of buildings within a development project or on outparcels of the development project, shall not constitute a separate development and shall not be entitled to access separate and apart from the parent tract.

   b. Additional entrances or access points may be permitted by the board with the concurrence of the Virginia Department of Transportation and after conducting a public hearing in accordance with applicable procedures, the cost of such public hearing to be borne by the developer making the request. The need for and safety of such additional entrances shall be substantiated by a traffic impact analysis prepared in accordance with section 24.1-251(b) of this chapter. In addition it must be demonstrated by the use of recognized progression and queuing analyses or simulations that an additional entrance or access point, if permitted, will not degrade the traffic flow characteristics or the traffic carrying capacity of the street.
(4) **On streets classified as major arterials.**

a. Each development shall be entitled to one (1) access to the street. All internal development shall be served by an internal access system which connects to the major arterial at the single permitted access point. A second access point, which shall be a part of and directly connected to the overall internal access system, may be permitted where the total frontage along the major arterial exceeds six hundred feet (600'). For purposes of this section, subsequent construction of buildings within a development project or on outparcels of the development project, shall not constitute a separate development and shall not be entitled to access separate and apart from the parent tract.

b. Additional entrances or access points may be permitted by the board with the concurrence of the Virginia Department of Transportation and after conducting a public hearing in accordance with applicable procedures, the cost of such public hearing to be borne by the developer making the request. The need for and safety of such additional entrances shall be substantiated by a traffic impact analysis prepared in accordance with chapter 24.1-251(b) of this chapter. In addition it must be demonstrated by the use of recognized progression and queuing analyses or simulations that an additional entrance or access point, if permitted, will not degrade the traffic flow characteristics or the traffic carrying capacity of the street.

(5) The zoning administrator may grant exceptions to the standards contained herein when the property location or configuration precludes strict application of the standards provided, however, that reductions in the road frontage requirements shall not be greater than fifteen percent (15%).

(6) The developer shall provide and record all easements determined to be necessary to accommodate shared entrances and joint access arrangements. (See Figure II-9 in Appendix A and sample Deed of Easement in Appendix B.)

(Ord. No. 01-20(R), 10/16/01)

### Sec. 24.1-253. Roadway and traffic safety management.

(a) Any development proposal, including without limitation site plans, planned development detailed plans, and subdivision development plans, submitted for consideration shall provide details, plans or notations as may be appropriate, relating to traffic safety and traffic and roadway maintenance during and after the development process. Such details, plans or notations shall include the location, size and type of all necessary traffic signals, pavement markings and regulatory, warning and guide signs, both permanent and temporary, as well as the routes and shall indicate how traffic, including motor vehicles, bicyclists, and pedestrians, will be accommodated and controlled along adjacent existing roadways during construction activities.

(b) The developer or subdivider shall be responsible for the installation of all traffic signals, pavement markings and regulatory, warning and guide signage indicated in the details, plans or notations in subsection (a) above or as otherwise determined to be necessary by the zoning administrator in consultation with the Virginia Department of Transportation.

(c) Proper installation of required traffic signals, pavement markings and regulatory, warning and guide signs shall be accomplished prior to the issuance of any certificate of occupancy for any structure within any development wherein such signals, markings or signage are, in accordance with subsection (b) above, necessary. The zoning administrator, in consultation with the Virginia Department of Transportation, may modify this requirement, including requiring the proper installation of certain regulatory and warning signs at intersections with existing roadways prior to the issuance of any building permit within the development.

### Sec. 24.1-254. Construction traffic access management.
The zoning administrator shall review specifically and approve all construction entrances and the access routes to such construction entrances. In specifying and limiting traffic access routes to such entrances or the entrances themselves, the zoning administrator shall consider all available or potential access alternatives with the objective of ensuring pedestrian, bicycle and motor vehicular safety within existing or developing residential neighborhoods or other developments characterized by relatively higher levels of pedestrian, bicycle, and vehicular activity. Construction traffic shall be deemed to include, but not be limited to, construction equipment used in site development or building activity, vehicles transporting such construction equipment or construction and building materials, and vehicles transporting persons engaged in site development, construction, or building activities.

Sec. 24.1-255. Transportation demand management.

(a) All development shall be designed and constructed in a manner which clearly considers the potential need for convenient access by and safety of alternative transportation modes, specifically pedestrian, bicycle, and transit service.

(b) Developments having or projected to have at least one thousand (1000) average daily trips as determined using actual counts or the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition) and which front and have access to streets classified as major collector and higher, shall dedicate or reserve land for transit operations provided by bus. Where a transit route exists or is scheduled to exist within twelve (12) months, transit provisions including pull-outs and shelters may be required to be constructed as a part of plan approval. Off-street parking requirements may be reduced by five percent (5%) when transit provisions are required to be constructed.

(c) Bicycle and pedestrian accommodations shall be provided in all developments anticipated to have at least twenty-five (25) employees on any shift or five hundred (500) average daily trips. Such accommodations shall include safe, secure, and convenient pedestrian and bicycle circulation and access, and where required by article VI of this chapter, safe, secure and convenient bicycle parking facilities.

(d) Where employers adopt and certify their continued support for a Transportation Demand Management program which encourages alternative modes of transportation, such as van pooling and car pooling, bicycle and pedestrian commuting, telecommuting, transit subsidy, or other techniques, a credit may be granted by the zoning administrator of up to twenty-five percent (25%) of the required off-street parking expected to be utilized by employees. To obtain credit for bicycle and pedestrian commuting programs, employee showers and lockers must be provided. Additionally, for bicycle credits, some form of secure, safe and enclosed bicycle parking must be available. The developer shall document the commitment to Transportation Demand Management measures and submit, in writing, the Transportation Demand Management plan together with an inventory of the number of employees and the number of parking spaces for employees.

(e) The maximum credit which may be given the Transportation Demand Management programs in concert with other credits is thirty-five percent (35%) of the required off-street employee parking requirements plus ten percent (10%) of the customer or patron spaces. The identification and documentation of the space utilization shall be the responsibility of the developer.

(f) Where off-street parking credit is given, a land area sufficient to construct fifty percent (50%) of the spaces for which parking credit has been given must be reserved in case the use or orientation changes and the spaces are required.

Sec. 24.1-256. Vehicular and pedestrian access and circulation standards.

Vehicular and pedestrian access and circulation systems on a development site shall be designed in accordance with the following standards:

(a) Vehicular access to the site and circulation within the site shall be designed to promote pedestrian, bicycle and motor vehicular safety, to aid overall traffic flow, to provide for safe and efficient ingress and egress, and to minimize access points to the off-site transportation systems. On-site circulation systems, including parking areas, shall be designed to minimize headlight glare onto adjacent rights-of-way.
(b) Driveway design and placement shall be such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined in accordance with the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition, as it may from time to time be amended) or by a traffic impact analysis prepared specifically for the development.

1. Driveways shall be spaced at least fifty feet (50') apart. Where such spacing requirements cannot be readily achieved, joint access with an adjoining parcel shall be encouraged.

2. The minimum distance between the property line of a parcel and the nearest edge of the nearest driveway to that property line shall be twenty-five feet (25'), except however, driveways which provide joint access to more than one parcel, or which may reasonably be expected to do so in the future, may be located on the property line or within twenty-five feet (25') of the property line.

(c) There shall be sufficient on-site queuing area to accommodate at least five percent (5%) of the total traffic volume entering and exiting the site during the peak hour of the use based on the Trip Generation Manual (Institute of Transportation Engineers, Fifth Edition, as it may from time to time be amended) without using any portion of the street right-of-way or in any other way interfering with street traffic.

(d) Bikeways shall be constructed within and between developments and along roadways in conformance with the routes and guidelines contained in the comprehensive plan.

(e) Sidewalks providing for safe and convenient internal pedestrian access between parking areas, buildings and public areas as well as access to abutting public property or shopping centers shall be provided for all development except individual single-family detached residential structures. The minimum width for sidewalks connecting to abutting property shall be six feet (6') and the sidewalk shall be located within an easement or on commonly owned property no less than eighteen feet (18') in width. Sidewalks shall have beginning and ending points providing appropriate access to sites and the ability to make connections with similar facilities on the abutting property. Developers are encouraged to extend sidewalks onto the adjacent shopping center or public site to connect with sidewalks located on those sites. Maintenance of the sidewalk shall be required and a plan for maintenance shall be submitted to and approved by the zoning administrator.

Sec. 24.1-257. Public street dedication and construction.

(a) The construction, extension and dedication of public streets within a subdivision shall conform with the subdivision ordinance.

(b) Density credits are available where a developer of a project not subject to the terms of the subdivision ordinance dedicates right-of-way or constructs public streets of one or more of the following types:

1. Stub streets intended to provide a future interconnection with the street systems of adjoining parcels;

2. Dedications to correct existing right-of-way width deficiencies; or

3. Additional extensions intended to provide interconnection and coordination with the street systems of adjoining parcels.

(c) The area of right-of-way may be credited toward development density in accordance with the following:

1. In cases where development density is controlled by a maximum number of dwelling units per acre [dwelling units per hectare] ratio, credit shall be granted for the dedicated area by including the area in the density calculation.

2. Credits shall not be applied to any areas which may, as in the case of portions of temporary cul-de-sacs, become a part of an adjacent lot.

3. In no case shall the above specified credits be construed to allow reductions in setback, yard, transitional area or buffer dimensions, or similar standards applicable for the zoning district in which located.
(4) Any right-of-way dedicated herein shall, by deed and recorded plat, be conveyed to the County of York or, upon approval, to the Virginia Department of Transportation. (See sample plat and deed in appendices A and B respectively).

(d) Where a stub street is to be created, it shall be so noted on the face of the subdivision plat and site plan. Once final approval is granted, the subdivision plat or site plan, or portion thereof showing a stub street, shall be recorded with the clerk of the circuit court. In addition, the notification requirements for stub streets contained in the subdivision ordinance shall be followed.


DIVISION 6. SITE DESIGN STANDARDS

Sec. 24.1-260. General site design standards.

(a) No more land shall be disturbed than is reasonably necessary to provide for the desired use or development. All site plans shall clearly delineate land areas to be disturbed and those which shall remain undisturbed.

(b) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the proposed use and development. Any proposal to clear cut a property in the absence of an approved development plan shall be deemed to constitute a “forestry” operation and shall be permitted only in such districts and under such procedures as are set forth in articles 3 and 4 of this chapter or only when in accordance with the provisions of Section 10-14(f) of the York County Code.

(c) Best management practices shall be applied to all land disturbing activities regulated by this chapter.

(d) Natural areas with a biodiversity ranking of B1 (outstanding significance), B2 (very high significance), or B3 (high significance), shall be protected through a conservation easement or other development restriction encompassing the area within the secondary ecological boundary as defined by Technical Report 93-4, by the Division of Natural Heritage, Virginia Department of Conservation and Recreation, as may be amended from time to time. Biodiversity rankings between B1 and B3 indicate natural resources of global or state significance. For areas with a B4 or B5 ranking, necessary federal and state permit approvals required under the Federal Clean Water Act, Endangered Species Act, Chesapeake Bay Preservation Ordinance, or state and county wetlands laws and regulations shall suffice as proper environmental authorization.

(e) Land development proposals shall be designed to minimize impervious cover consistent with the particular use proposed.

(f) New construction on existing slopes in excess of thirty percent (30%) shall be prohibited unless the zoning administrator, after reviewing a detailed soils, geology, and hydrology survey prepared in accordance with acceptable engineering standards and submitted by the applicant, determines that such construction can be accommodated without creating or exacerbating erosion, seepage, or nutrient transport problems. Such survey shall include cross-sections of existing and proposed slopes and detailed plans of drainage devices. Grading such slopes to less than thirty percent (30%) shall also be prohibited unless the zoning administrator determines that such grading is necessary to the overall development; however, in no case shall such grading be used to permit new construction which otherwise would have been prohibited.

(g) Except as exempted below, all outdoor lighting in excess of 3,000 initial lumens associated with land use and development proposals, whether new uses or changes and modifications in existing uses, shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent rights-of-way and properties and shall incorporate the use of “full cut-off” luminaries/fixtures. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixture and luminaries for such uses. High-pressure sodium or metal halide lights shall be the preferred type of exterior site lighting. The use of Mercury vapor lights shall be discouraged in any exterior lighting applications, with the exception of under-canopy lighting for gasoline pump islands, bank or other drive-thru or drive-in facilities.
The following outdoor lighting applications shall be exempt from these requirements:

1. Construction, agricultural, emergency or holiday decorative lighting of a temporary nature.
2. Lighting of the United States of America, Commonwealth of Virginia, or York County flags and other non-commercial flags.
3. Security lighting controlled by sensors which provide illumination for fifteen (15) minutes or less.
4. The replacement of an inoperable lamp or component which is in a luminaire that was installed prior to the effective date of this section.
5. The replacement of a failed or damaged luminaire which is one of a matching group serving a common function.
6. Fixtures used for architectural or landscape accent lighting (façade, features, trees, etc.), when such lighting is aimed or directed so as to preclude light projection beyond the immediate objects intended to be illuminated. If the surrounding area contains residential uses that could be adversely impacted by such lighting, the Zoning Administrator may require that such lighting be extinguished between the hours of midnight and dawn.
7. Streetlights illuminating public rights-of-way, or private streets which the zoning administrator determines to be consistent in illumination characteristics with those allowed and specified under the board of supervisors’ street light installation policy.

In addition to the above-noted exemptions, the Zoning Administrator may approve a modification of the full cut-off luminaire requirements in the following circumstances:

- Upon finding that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree; or
- Upon finding that the outdoor luminaire or system of outdoor luminaries required for a baseball, softball, football, soccer or other athletic field cannot reasonably comply with the standard and provide sufficient illumination of the field for its safe use.
- Upon a finding that the proposed luminaire is a decorative colonial-style “cut-off optics” fixture in which the lamp is fully recessed into the upper housing.

For the purposes of administering these provisions, lamps of less than or equal to the following rated wattages shall be deemed to emit 3,000 or less initial lumens and, therefore, shall be exempt from the full cut-off requirement:

- Incandescent lamp: 160 watts
- Quartz halogen lamp: 160 watts
- Florescent lamp: 35 watts
- Mercury vapor lamp: 75 watts
- Metal halide lamp: 40 watts
- High-pressure sodium lamp: 45 watts
- Low-pressure sodium lamp: 25 watts

Lamps having greater wattages than those listed above also may be exempted by the zoning administrator upon presentation of documentation from the lamp manufacturer, or other source deemed appropriate by the zoning administrator, that the lamp emits 3,000 or less initial lumens.

Unless specifically authorized by the zoning administrator or specifically authorized by the board of supervisors in a special use permit approval action, site lighting shall be designed to limit illumination intensity to not more than 0.5 footcandles at all perimeter property lines abutting non-residential property and not more than 0.1 footcandles when abutting residential property.

Ord. No. 01-20(R), 10/16/01; Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09; Ord. No. 09-22(R), 10/20/09

Sec. 24.1-261. Public service facility standards.

(a) Refuse and recyclables collection. Dumpsters, or an alternate method of collection for recyclables and for nonrecyclable refuse approved by the zoning administrator, shall be required for mobile home parks and
for multi-family, commercial and industrial developments. The following standards shall apply:

(1) Dumpsters or other approved collection receptacles shall be located on a site so that service vehicles will have convenient and unobstructed access to them. The location shall be such that encroachment by service vehicles upon bicycle and pedestrian ways, parking spaces, or vehicular circulation drives will be minimized. Dumpsters shall not be located closer than fifty feet (50’) to any residential structure nor closer than twenty feet (20’) to any non-residential structure.

(2) Dumpsters or other approved collection receptacles shall be screened from both on-site and off-site views by wooden or masonry fencing, supplemented by landscaping. Building walls may serve as part of the required screening. The enclosure shall be gated or otherwise configured to ensure that the dumpster is not visible from any adjoining public rights-of-way, adjoining properties or from any areas on the site which are normally accessible by residents, customers or the general public.

(3) Where dumpsters are to be utilized, dumpster pads, constructed in accordance with all applicable health department standards for construction and drainage, shall be provided.

(b) Emergency services. The following design standards are intended to ensure that emergency services can be delivered effectively and efficiently should the need arise:

(1) All buildings, and all portions thereof, on a site shall be readily accessible to emergency vehicles and apparatus. Where two or more principal buildings are proposed on the same parcel, the distance between any two such buildings shall be sufficient to ensure convenient emergency access and to comply with all applicable fire separation standards prescribed by the Uniform Virginia Statewide Building Code. Circulation routes, driveways, parking lot aisles and other vehicular circulation areas shall be designed and arranged so as to provide for convenient access and operation of emergency services apparatus. Permanent obstruction or closing of existing access routes shall require specific approval of the fire chief prior to being authorized.

(2) Any single-family detached residential structure constructed after the date of adoption of this subsection and located more than 150 feet from the edge of pavement of a public street or highway shall be subject to the following emergency access and site design standards:

a. The structure shall be served by an access drive not less than twelve feet (12’) in width and capable of supporting fire and rescue vehicles and apparatus. Such driveway shall be bordered by two-foot (2’) wide compacted shoulders. Such shoulders need not be constructed of the same material as the driveway but shall be sufficient to ensure the stability of the driveway when it is traversed by fire and rescue apparatus and vehicles.

b. The access drive shall be an all-weather surface (concrete, asphalt, gravel, or other approved material) capable of supporting the weight of large fire and rescue apparatus up to 80,000 pounds (gvw).

c. The access drive shall be maintained with an unobstructed horizontal clearance of sixteen feet (16’) and unobstructed vertical clearance of thirteen feet six inches (13’6”).

d. The access drive shall extend to at least the front of the building or one side (as determined by the Department of Fire and Life Safety). On properties where the structure has a floor area in excess of 4,500 square feet or where the height of the ridgeline or highest part of the roof exceeds thirty-five feet (35’) the access drive shall include an apparatus parking/operations area pad at least twenty feet (20’) in width. The exact location and length shall be determined during the site layout plan review process. Turnarounds of a size and configuration necessary to accommodate the apparatus likely to respond to an incident, as determined by the Department of Fire and Life Safety, shall be required where the access drive exceeds two hundred feet (200’) in length and may also be required for shorter access drives based on the site layout plan review and any unique site characteristics.

e. When the structure has a floor area in excess of 4,500 square feet or where the height of the ridgeline or highest part of the roof exceeds thirty-five feet, the site shall be designed such that the entire perimeter of the structure shall be within 150’ of the access drive.

f. Where fire hydrants are installed along access drives, turnouts shall be installed at each hydrant location. Turnouts shall be forty feet (40’) in length (twenty feet (20’) on either side of the hydrant) and the combined width of the driveway and turnout shall be a minimum of twenty feet (20’).
g. The intersection of the access drive and the public street to which it connects shall be designed with a minimum turning radius of thirty-three feet (33') (taking into consideration the entire width of the roadway) unless otherwise approved by the Department of Fire and Life Safety.

Building plans and a site layout plan (both to scale) shall be submitted for review and approval by the Department of Fire and Life Safety to ensure appropriate accessibility around the structure for firefighting/rescue operations by fire and rescue personnel and apparatus and vehicles where appropriate. The site layout plan shall include a cross-section and description of construction materials and methods for the proposed driveway.

(3) An adequate water supply for firefighting must be ensured through compliance with the provisions of the county’s water construction standards.

(Ord. No. 06-19(R), 7/18/06; Ord. No. 10-1(R), 1/19/10; Ord. No. 11-15(R), 11/16/11)

Sec. 24.1-262. Utilities.

The site design standards for utilities and utility facilities are as follows:

(a) All on-site utility facilities including but not limited to wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric, telephone, telegraph, cable television or similar service to a development subject to the provisions of this chapter shall be placed underground except, however, the following shall be permitted above ground:

(1) Electric transmission lines and facilities in excess of fifty (50) kilovolts;

(2) Equipment such as electric distribution transformers, switch gear, meter pedestals, telephone pedestals, CATV pedestals and power supplies, outdoor lighting poles or standards, radio antennae, traffic control devices, and associated equipment, which is, under accepted utility practices, normally installed above ground;

(3) Meters, service connections and similar equipment normally attached to the outside wall of the customer’s premises;

(4) Temporary aboveground facilities required in conjunction with an authorized construction project.

(b) Existing utilities located above ground may be maintained or repaired provided that such repair does not involve relocation or expansion.

(c) Whenever any existing on-site above ground utilities require relocation for any reason, they shall be removed and placed underground. In the event a development project impacts existing off-site above ground utilities and necessitates their relocation onto the development site, such utilities shall be placed underground.

(d) All utilities shall be placed within easements or public street rights-of-way in accordance with “Typical Curb and Gutter Details CGD-1, CGD-2, CGD-3, or CGD-4” as published by the department of environmental and development services or as may be otherwise approved by the zoning administrator.

(e) Sewage pump and lift stations and communication switching and relay facilities larger than one-hundred fifty (150) square feet in building area shall, at a minimum, be surrounded by a landscaped buffer no less than twenty-five feet (25') in width and landscaped in accordance with the provisions of section 24-242 of this chapter.

(f) Utility equipment installed at ground level, including transformers, pedestals, switch gear and other similar types of equipment which is visible from a public right-of-way shall be screened from view by appropriate evergreen shrubs planted in accordance with a landscape plan approved by the zoning administrator.

(Ord. No. O98-18, 10/7/98)

Sec. 24.1-263. Easements.

The developer shall provide and record all easements determined to be necessary to accommodate required
CODE OF THE COUNTY OF YORK, VIRGINIA

CHAPTER 24.1


DIVISION 7. ACCESSORY USES

Sec. 24.1-270. Accessory uses permitted.

Unless otherwise provided herein, accessory uses and structures shall be permitted in any zoning district, but only in connection with, incidental to, and on the same lot with a principal use or structure which is lawfully permitted within such district.

Sec. 24.1-271. Accessory uses permitted in conjunction with residential uses.

The following accessory uses shall be permitted in conjunction with residential uses. No accessory use, activity or structure, except fences, shall be constructed or conducted until the principal use of the lot has commenced, or the construction of the principal building/structure has commenced and is thereafter diligently and continuously pursued to completion. In the case of an existing lawful nonconforming single-family detached residence located in a non-residential district, the normal and customary accessory uses listed below shall, unless otherwise indicated, be deemed permitted as a matter of right, subject to all respective performance standards. Land uses not listed in this section and not deemed similar to a listed use pursuant to subsection (q) shall be deemed not allowed as residential accessory uses:

(a) Antenna structures including guy wires for radio, television, and other noncommercial communication purposes subject to the following provisions:

(1) All locational standards and setbacks applicable to accessory structures shall be observed. Guy wires shall not be permitted in the front setback areas.

(2) Antennas in excess of the height requirements specified in division 3 of this article shall be permitted only by the board after conducting a duly advertised public hearing. The measurement of height shall include both the antenna, any ancillary antennae, and any support structure.

(3) The above provisions notwithstanding, dish antennas shall be subject to the following standards:

a. Dish antennae shall not exceed twelve feet (12') in diameter and fifteen feet (15') in height.

b. In residential districts, dish antennae larger than twenty-four inches (24") in diameter shall be permitted in rear yards only. No part of a dish antenna shall be closer than five feet (5') to any lot line. Dish antennae larger than twenty-four inches (24") in diameter shall not be permitted on the roofs of residential structures or structures accessory thereto.

c. All dish antennae and the construction and installation thereof shall conform with applicable requirements of the Uniform Statewide Building Code. No dish antenna may be installed on a portable or movable base.

d. The above dimensional and location standards notwithstanding, where the zoning administrator determines that a usable satellite signal cannot be obtained by locating or sizing a dish antenna in accordance with such criteria, application may be made to the board, in accordance with the procedures established in article I, for authorization, by use permit, of an alternative placement or size in order to provide for the reception of a usable signal. In its consideration of such applications, the board may impose such conditions as it deems necessary to protect the public health, safety and general welfare and to protect the character of surrounding properties.

(aa) Accessory apartments in the RC, RR, R33, R20 and R13 Districts, subject to the supplementary requirements set forth in Section No. 24.1-407, Standards for Accessory Apartments, of this chapter. Accessory
apartments shall not be permitted in conjunction with a single-family detached residence existing as a lawful nonconforming use in a nonresidential district.

(b) Barns or other structures that are customarily incidental to a legally established and permitted agricultural use or when used in conjunction with the keeping of horses or other livestock as an accessory use as permitted in the residential districts.

(c) Carports, garages, utility sheds, and similar storage facilities customarily associated with residential living. Movable storage boxes, also known as portable on-demand storage units, may be placed temporarily on a residential property for loading or unloading. Such units shall not be placed in a front yard area, except on a driveway and at least twenty (20) feet from the front property line. When placed in a side or rear yard, the boxes shall be located at least five (5) feet from any property line. For the purposes of this section, temporary placement shall mean no more than sixteen (16) consecutive days at a time, and with at least one (1) year between successive placements. Not more than one (1) unit shall be placed on a residential property at a time and if multiple units are used for sequential loading or unloading, the sixteen (16) day limit shall apply to all cumulatively.

The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued or a fire or other damaging event beyond the control of the owner, one or more movable storage boxes may be used for on-site storage purposes exceeding sixteen (16) days while the principal building is undergoing reconstruction/repair. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal residence and shall expire upon issuance of a Certificate of Occupancy for the principal structure or twelve (12) months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Zoning Administrator may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.

(d) Child’s playhouses, without plumbing.

(dd) Home gardens, orchards, vineyards, riparian shellfish gardening when in accordance with the terms of Virginia Administrative Code section 4VAC20-336 General Permit No. 3 Pertaining to Noncommercial Riparian Shellfish Growing Activities, and similar pursuits when maintained and cared for by the occupants of the property without the assistance or employment of non-resident employees. Nothing in this subsection shall be construed to prohibit the sharing of such produce with friends or neighbors or the sale of the produce, either on or off the premises. When sales are conducted on the property the provisions of subsection (k) below shall be observed. Nothing in this section shall be construed to limit the amount of land area on a residential property that is planted and cultivated for vegetable crops, orchards or vineyards.

(e) Raising and keeping of household pets which are housed within the principal structure.

(f) Doghouses, pens, hutches, or similar structures or enclosures, that are not within the principal structure and which are intended for the housing and confinement of household pets. The keeping of more than four (4) canines or felines over the age of six (6) months in such a structure or enclosure shall be deemed a private kennel and shall be permitted Section No. 24.1-417, Standards for Private Kennels, of this chapter. Special Use Permit approval shall be required for any private kennel proposed in conjunction with a single-family detached residence existing as a lawful nonconforming use in a nonresidential district.

(ff) Keeping of horses or other livestock for personal but not commercial purposes, shall be permitted as a matter of right in the RC and RR Districts and by Special Use Permit in the R33, R20 and R13 Districts, subject in both circumstances to the Performance Standards set forth in Section No. 24.1-414 of this Chapter. Special Use Permit approval shall be required for any horsekeeping or livestock keeping proposed in conjunction with a single-family detached residence existing as a lawful nonconforming use in a nonresidential district.

(g) Beekeeping provided no beehive is closer than fifty feet (50’) to any dwelling, school or church establishment and that the owner provides a supply of water for the bees within fifty feet (50’) of the hive. Nothing in this subsection shall be construed to prohibit the sharing of honey with friends or its sale, either on or off the premises.

(gg) Backyard chicken-keeping for personal but not commercial purposes shall be permitted as a matter of right in the RC, RR, R33, R20, R13 and WCI Districts, subject in both circumstances to the Performance Standards set forth in Section No. 24.-414.1 of this Chapter. Nothing in this subsection shall be construed to prohibit the sharing of eggs with friends or neighbors or sale of eggs, either on or off the premi-
(h) Parking or storage of small cargo or utility trailers, recreational vehicles and similar equipment, including, but not limited to, boats, boat trailers, motor homes, tent trailers and horse vans, and also including commercial vehicles having a carrying capacity of 1-ton or less and used as transportation by the occupant of the dwelling to and from their place of employment, provided that the following requirements are observed:

(1) such vehicles or equipment may not be parked or stored in front yards except on the driveway;

(2) such vehicles or equipment shall not be used for living, housekeeping or business purposes when parked or stored on the lot, provided however, that when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued or a fire or other damaging event beyond the control of the owner, motor homes and recreational vehicles may be used for temporary residential occupancy during the time of reconstruction/repair of the principal dwelling. The authorization for such temporary occupancy shall be dependent on issuance of a building permit for the reconstruction/repair of the principal residence and shall expire upon issuance of a Certificate of Occupancy for the principal structure or twelve (12) months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Zoning Administrator may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.

(3) wheels or other transporting devices shall not be removed except for necessary repairs or seasonal storage.

The provisions of this subsection shall not be deemed to authorize take-off or landing operations from residential properties for aircraft of any type, including special light-sport aircraft, experimental light-sport aircraft, or ultra-light aircraft, as defined by the Federal Aviation Administration (FAA).

(hh) Home occupations in accordance with the terms and requirements set forth in Division 8 of this Article.

(i) Outdoor recreation facilities such as swimming pools, tennis courts, basketball courts, skateboard ramps, private boat docks, piers or boat houses, provided that the use of such facilities shall be limited to the occupants of the premises and guests for whom no admission or membership fees are charged.

(j) Fences or walls in single-family residential districts provided that:

(1) fences or walls located in rear yards shall not exceed eight feet (8') in height;

(2) fences or walls located in side yards shall not exceed six feet (6') in height;

(3) fences or walls located in front yards shall not exceed four feet (4') in height;

(4) fences or walls located on corner lots and adjacent to street/or driveway intersections shall be subject to the visibility standards established in section 24.1-220;

(5) the above standards shall not be deemed to prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this chapter;

(6) In the case of lots having multiple street frontages which by definition would be considered "front yards," the Zoning Administrator may authorize the installation of fences up to six (6) feet in height, rather than the 4-foot limit specified above, to provide privacy for the side and rear yard areas of the dwelling based on its orientation on the lot;

(7) the Zoning Administrator may authorize front and side yard fence heights to be increased to a maximum of eight (8) feet when it is determined that such additional height is necessary to provide screening or buffering of a residential property from an adjacent non-residential use;

(8) when a fence is designed/constructed such that the rails, boards, wire mesh or other non-structural coverings are attached to only one side of the structural supports (i.e., posts, cross rails, etc.), that side shall be considered the "finished" side and shall face outward towards surrounding properties and rights-of-ways. The Zoning Administrator may grant an exception to this requirement upon finding that such orientation is impractical or unnecessary given existing fences or other extenuating circumstances on the adjacent property.
(9) No barbed wire or electrified or similar type fences shall be permitted except in conjunction with a bona fide agricultural operation.

(k) On-premises roadside sales of produce provided that: operations shall be limited to no more than ninety (90) days per year; shall be solely for the sale of produce grown or raised on the premises; shall be limited to one temporary on-premises free-standing sign not exceeding six (6) square feet in area; and, shall be allowed only on property where the parking demand can be met on the subject site (i.e., no on-street customer parking).

(l) Yard or garage sales subject to the following provisions:

(1) Items offered for sale shall be limited to those which are owned by an occupant of the premises or other participants authorized by this section and which are normally and customarily used or kept on a residential premises. Such items shall not have been specifically purchased or crafted for resale;

(2) Participation in such sale shall be limited to the occupant of the premises and not more than four (4) non-occupants. For the purpose of this section, participation shall be construed to mean the offering for sale of items owned by an occupant or participating non-occupant, whether or not that individual is physically present on the premises during the conduct of such sale;

(3) Such sales shall be limited to two (2) in any given calendar year per lot. The duration of any single sale shall not exceed three (3) consecutive days.

(m) Craft sales or shows subject to the following provisions:

(1) Items offered for sale shall be limited to those which have been made or crafted by the participants as a hobby or avocation as distinguished from items which are made in the conduct of a home occupation;

(2) Participation in such sales or shows shall be limited to an occupant of the premises and not more than four (4) non-occupants. For the purposes of this section, participation shall be construed to mean the offering for sale of items made or crafted by an occupant or participating non-occupant, whether or not that individual is physically present on the premises during the conduct of such sale or show;

(3) Not more than one (1) such sale or show event shall be conducted on a premises in any given calendar year. For the purposes of this section, the duration of any sale or show event shall be limited to six (6) days within a period of ten (10) consecutive days;

(4) Such sales and shows may be conducted only upon authorization by the zoning administrator of a temporary permit subsequent to application and payment of a five dollar ($5.00) nonrefundable processing fee by an occupant of the premises upon which such sale or show is proposed to be conducted. The zoning administrator shall make a determination with respect to approval or denial of applications within ten (10) working days of submission and shall consider the following:

a. the proposed location of the sale or show and the probable impact on adjacent land uses;

b. the ability of the structure in which such sale will be conducted to accommodate safely the number of persons likely to patronize such event;

c. the ability of the streets in the immediate vicinity of such residential property to accommodate adequately and safely the traffic and parking demand anticipated to be associated with such event without disruption of normal traffic circulation and emergency access needs.

(5) In the event the zoning administrator determines that the conduct of such craft sale or show at the proposed location would adversely affect the surrounding land uses because of the disruption to the normal and essential traffic circulation needs of the immediate vicinity, or the safety and welfare of participants, patrons, neighbors, or the general public, the application for temporary permit shall be denied. No application for a temporary permit shall be deemed to have been received for processing unless accompanied by a nonrefundable processing fee in the amount of five dollars ($5.00).
(n) Small wind energy systems subject to the standards set forth in section Nos. 24.1-231 and 274 of this chapter and provided that roof-mounted systems shall not be permitted in conjunction with single-family detached dwellings.

(o) Pool house when in conjunction with an accessory permanently constructed in-ground swimming pool. Such structures shall not be considered to be an accessory apartment and shall not be used for residential purposes.

(p) Temporary family health care structures for use by a caregiver in providing care for a mentally or physically impaired person on property that is zoned for single-family residential use and that owned or occupied by the caregiver as his residence, subject to the following performance standards.

1. Occupancy of the structure shall be by a mentally or physically impaired person who, for the purposes of this section, shall be deemed to be a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Section 63.2-2200 of the Code of Virginia and as certified in writing by a physician licensed by the Commonwealth of Virginia;

2. A maximum of one (1) resident occupant, who shall be the mentally or physically impaired person, shall be permitted; or, in the case of a married couple, two (2) occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Section 63.2-2200 of the Code of Virginia, as certified by a physician licensed in the Commonwealth.

3. The structure shall not exceed 300 square feet in gross floor area;

4. The structure shall comply with all applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code;

5. Placement on a permanent foundation shall not be required or permitted;

6. Only one such structure shall be permitted on a lot;

7. The structure shall comply with all setback requirements applicable to principal structures in the district in which located;

8. Such structure shall be connected to all necessary public and/or private utilities and shall comply with all applicable requirements of the Virginia Department of Health;

9. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property;

10. Prior to placement of such a structure on a residential property, the property owner shall obtain a permit, available from the office of the zoning administrator; the zoning administrator shall require submission of a sketch plan and such other documentation as deemed necessary to ensure compliance with the standards set forth herein;

11. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance of a caregiver;

12. For the purposes of this section, the term caregiver means an adult who provides care for a mentally or physically impaired person within the Commonwealth and the caregiver shall be either related by blood, marriage, or adoption to, or shall be the legally appointed guardian of, the mentally or physically impaired person for who care is being provided; and,

13. On an annual basis, at least 30 days prior to the anniversary date of the initial permit issuance, the caregiver shall be required to provide evidence of compliance with the terms of this section and to grant zoning and code enforcement personnel the opportunity to conduct an inspection of the property and the structure at a time mutually acceptable to the caregiver and the inspection personnel.

(q) Other uses and structures of a similar nature which are customarily associated with and incidental to residential uses as determined by the zoning administrator.

(Ord. No. 01-20(R), 10/16/01; Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09; Ord. No. 10-2, 3/16/10; Ord. No. 10-24, 12/21/10; Ord. No 11-15(R), 11/16/11; Ord. No. 13-11, 7/16/13; Ord. No. 14-20(R), 10/21/14)
Sec. 24.1-272. Accessory uses permitted in conjunction with commercial and industrial uses.

The following accessory uses shall be permitted in conjunction with commercial and industrial uses. No accessory use, activity, or structure, except fences, shall be constructed until the principal use of the lot has commenced, or the construction of the principal building/structure has commenced and is thereafter diligently and continuously pursued to completion. Land uses not listed in this section and not deemed similar to a listed use pursuant to subsection (l) shall be deemed not allowed as commercial or industrial accessory uses:

(a) Fences or walls provided that:

(1) fences or walls located in side or rear yards shall not exceed eight feet (8') in height;
(2) fences or walls located in front yards shall not exceed six feet (6') in height provided that corner visibility standards, as established in section 24.1-220 shall be observed;
(3) the above standards shall not be deemed to prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this chapter and, furthermore, the zoning administrator may authorize the installation of fences exceeding the above height limits when it is determined that such additional fence height would be appropriate for providing screening and buffering benefits to adjoining properties; and
(4) when a fence is designed/constructed such that the rails, boards, wire mesh or other non-structural coverings are attached to only one side of the structural supports (i.e., posts, cross rails, etc.), that side shall be considered the “finished” side and shall face any adjacent public right-of-way or residential zoning districts. The Zoning Administrator may grant an exception to this requirement upon finding that such orientation is impractical or unnecessary given existing fences or other extenuating circumstances on the adjacent property.

(b) Uses intended specifically for the use and benefit of the employees and families or patrons of the principal use such as snack bars, cafeterias, off-street parking spaces, health and fitness, and recreation facilities or similar uses.

(c) Living quarters for a proprietor or manager and family located in the same building as the place of occupation, or living quarters for a watchman or custodian of an industrial establishment.

(d) Incidental repair, installation or assembly facilities for products or equipment used or sold in the operation of the principal use, unless specifically prohibited or otherwise regulated under the applicable district regulations.

(e) Incidental storage facilities for goods and materials used or offered for retail sale on the premises.

(f) Motor vehicle fuel dispensing pumps, pump islands, or service kiosks installed for and utilized exclusively by vehicles owned or operated by commercial or industrial establishments to which they are accessory.

(g) Antenna structures for radio communication purposes or other information or data transfer purposes associated with a business or industrial operation. Antenna structures in excess of one hundred feet (100') in height (including both the supporting structure and the antenna) shall be permitted only by the board after conducting a duly advertised public hearing.

(h) Dish antennae shall be subject to the following provisions:

(1) Dish antennae shall not exceed twelve feet (12') in diameter and fifteen feet (15') in height.
(2) Dish antennae shall be permitted in rear yards and on roofs. No part of a dish antenna shall be closer than ten feet (10') to any lot line. When located on a roof, such antenna shall be set back from all edges of the roof a distance of at least two (2) times its height.
(3) All dish antennae and the construction and installation thereof shall conform with applicable requirements of the Uniform Statewide Building Code. No dish antenna may be installed on a portable or movable base.
(4) The above dimensional and location standards notwithstanding, where the zoning administrator
determines that a usable satellite signal cannot be obtained by locating or sizing a dish antenna in accordance with such criteria, application may be made to the board in accordance with the procedures established in article I, for authorization by special use permit, of an alternative placement or size in order to provide for the reception of a usable signal. In its consideration of such applications, the board may impose such conditions as it deems necessary to protect the public health, safety and general welfare and to protect the character of surrounding properties.

(5) The above provisions shall not apply to any dish antenna used by a cable company possessing a valid franchise issued by the board.

(i) Incidental retail sales of products produced or refined on the premises.

(j) Incidental monitoring equipment or devices designed to monitor general conditions or specific processes or events or both.

(k) Small wind energy systems subject to the standards set forth in section nos. 24.1-231 and 274 of this chapter.

(l) Parking or storage of heavy trucks and cargo or utility trailers provided that the following requirements are observed:

(1) such vehicles may be parked in any required parking spaces located on the site, provided they can fit within a single standard-dimension parking space, as set forth in Section 24.1-607, and that the site remains compliant with the requirements of Section 24.1-604(c);

(2) vehicles that cannot fit in a standard-dimension parking space must be accommodated on a properly paved and located surface that does not constitute any of the required parking space, drive aisles, or fire lanes on the site.

(3) wheels or other transporting devices shall not be removed except for necessary repairs or seasonal storage.

(4) any signage attached or affixed in any manner to the trailer must be capable of remaining in place and being legal when the trailer is driven on public roads;

(m) Other uses and structures of a similar nature which are customarily associated with and incidental to commercial or industrial uses, as determined by the zoning administrator.

Sec. 24.1-273. Location, height, and size requirements.

Except where other provisions of this chapter are more restrictive, the following requirements shall apply to the location, height, and size of all accessory uses or structures in all districts, including the planned development district unless the approving ordinance for such district (project) has established alternative or supplementary requirements:

(a) With the exception of statues, arbors, trellises, flagpoles, fences, walls or roadside stands, accessory buildings or structures shall not be located closer to the front lot line than the principal building façade provided, however, that where the setback of the principal building exceeds fifty feet (50'), accessory buildings and structures shall be subject only to a fifty-foot (50') minimum setback requirement.

(b) Accessory buildings or structures located closer to the front lot line than the rear of the principal building shall observe the side yard requirements applicable to the principal building. When the rear façade of the principal building has more than one plane, the accessory building side yard requirements shall be determined based on accessory building location in relation to those rear facades as depicted in Figure II-7.1, Appendix A.

(c) An accessory building or structure attached to a principal building by any wall or roof construction, or located within ten feet (10') of any principal building, shall be considered a part of the principal building and shall observe all yard regulations applicable thereto. Setback and spacing requirements for accessory in-ground swimming pools shall be measured to the edge of the water. Setback and spacing requirements for above-ground pools shall be measured to the outer edge of the pool wall.
or any above-ground decking surrounding the pool.

(d) Accessory buildings and structures shall observe minimum side and rear yard setbacks of five feet (5') except where the provisions of this chapter specifically require otherwise and provided, however:

(1) There shall be no side and rear yard requirements for fences or walls; and

(2) There shall be no rear yard requirement for docks, piers or boathouses; however, a setback of ten feet (10') from side lot lines extended to mean low water shall be observed. All such uses shall be subject to applicable permitting requirements of the Virginia Marine Resource Commission and United States Army Corps of Engineers.

(e) Roadside stands shall be set back at least twenty feet (20') from any road right-of-way.

(f) The above listed requirements shall not apply to the parking or storage of small cargo or utility trailers, recreational vehicles and similar equipment; however, no such trailer, vehicle, or equipment shall be stored within twenty feet (20') of any public road right-of-way, unless in a driveway.

(g) Except as authorized by section 24.1-231 or section 24.1-274 of this chapter, no accessory building or structure shall exceed the maximum height limitation established for the district or the height of the structure to which it is accessory, whichever is less, provided, however, that buildings which are accessory to a single-story building may be constructed to a maximum height not exceeding 1.25 times the height of the principal building. In cases where this is permitted, the accessory building shall be separated from the principal building by a distance of at least twenty feet (20') and shall observe a minimum side and rear yard setback of ten (10) feet rather than the normally applicable five (5) feet.

(h) With the exception of barns and similar structures associated with a bona fide agricultural/farming operation, the building footprint (i.e., lot coverage) of a structure accessory to a residential use shall not exceed the area of the building footprint of the principal residential structure.

(i) **Accessory structures shall be located on the same lot as the principal structure. Where adjoining lots are under single ownership and an accessory structure is proposed to be located so as to straddle an interior property line, or where the accessory and principal structures would be on different lots, the owner shall be responsible for preparing and recording, prior to issuance of a building permit, a survey plat to vacate the interior lot line(s) as necessary to ensure the principal and accessory structures are located on the same lot.**

(Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09; Ord. No. 10-2, 3/16/10; Ord. No. 10-24, 12/21/10)

**Sec. 24.1-274. Special standards applicable to accessory small wind energy systems**

The following requirements and performance standards shall apply to all accessory small wind energy systems:

(a) Small wind energy systems meeting the height limitations set forth in section 24.1-231(a)(1) shall be subject to administrative review and approval by the zoning administrator, and shall be approved if meeting all requirements of this section. Any small wind energy system in excess of those height allowances shall be subject to review and approval pursuant to the special use permit procedures and requirements set forth in section 24.1-115 of this chapter.

(b) Every application for a small wind energy system shall be accompanied by scaled elevation drawings of the proposed system, including colors and specifications, and certification from a licensed professional engineer that the support structure of the system will have the structural integrity to carry the weight and wind loads of the small wind energy system.

(c) Small wind energy systems shall not be permitted in the YVA zoning district.

(d) The height of any small wind energy system shall be measured from ground level to the highest point of the turbine rotor at its highest elevation.

(e) The minimum setback of any small wind energy system shall be equal to the height of the system. Guy wire anchors shall not be permitted in any front or side yard.
(f) The minimum distance between the ground and any protruding blades utilized on a small wind energy system, as measured at the lowest point of the arc of the blades, shall be ten feet (10').

(g) Unless otherwise provided for by the Board of Supervisors through the approval of a special use permit, small wind energy systems shall be permitted only in a rear yard.

(h) Other than safety and warning signs, no signage, flags, streamers, or decorative items shall be attached or affixed to any component of the system.

(i) Turbines and support structures shall be predominantly white, off-white, gray, or a similar non-obtrusive color.

(j) No portion of a small wind energy system shall be illuminated unless required by the Federal Aviation Administration.

(k) All small wind energy systems and the construction and installation thereof shall conform to the applicable requirements of the Uniform Statewide Building Code.

(l) Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

(m) Small wind energy systems shall be operated in compliance with the provisions of Section 16-19, Unnecessary or excessive noise, of the York County Code.

(n) The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.

(o) The applicant shall provide evidence in writing that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.

(p) In order to prevent unauthorized climbing, the supporting tower shall be enclosed with a six-foot tall privacy fence or the base of the tower shall not be climbable for a distance of ten (10) feet.

(q) The small wind energy system's generators and alternators shall be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of the Code of Federal Regulations, Part 15 and subsequent revisions governing said emissions.

(r) Any small wind energy system found to be unsafe by the building official shall be repaired by the owner to meet applicable federal, state, and local safety standards or removed within six months. If use of any small wind energy system ceases for a continuous period of one year, the County shall notify the owner of the property on which the system is located by certified mail that a removal notice is forthcoming. Within thirty (30) days of such notification, the landowner shall either provide evidence that the system has been in operation or set forth reasons for the operational difficulty and the corrective measures being taken or proposed to restore operability. The landowner shall either take corrective action or dismantle and remove the system within six (6) months thereafter.

(s) The installation and design of the system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).


DIVISION 8. HOME OCCUPATIONS

Home occupations, as defined in section 24.1-104, shall be permitted in conjunction with any residential use if in conformance with the following provisions. Should the zoning administrator determine that a specific use or activity proposed for operation as a home occupation is not materially similar to those uses and activities listed herein, the matter shall be resolved in accordance with the procedures outlined in section 24.1-302 of this chapter.

Sec. 24.1-281. General requirements for home occupations.

All home occupations shall be subject to the following provisions unless excepted by the board in accordance with the provisions of section 24.1-283:

(a) The owner/operator and business license holder of the home occupation shall reside on the premises. No person other than individuals residing on the premises shall be engaged on the premises in such operation unless otherwise authorized under section 24.1-283(e).

(b) The home occupation shall be clearly incidental and subordinate to the residential use of the property. The use may not exceed four hundred (400) square feet or twenty-five percent (25%) of the floor area of the residence, whichever shall be less, unless a greater area is deemed appropriate and is authorized by the Board of Supervisors in conjunction with consideration of a special use permit application for a home occupation.

(c) There shall be no change in the outside appearance of the building or premises or other evidence of the conduct of such home occupation visible from the street or adjacent properties. Signs and outdoor storage are not permitted.

(d) There shall be no on-premises sales of goods or materials to the general public or on-site customer or client contact except as may be authorized by special use permit in accordance with the standards established in section 24.1-283.

(e) Such home occupation shall not generate traffic, parking, sewerage or water use in excess of that which is normal in the residential neighborhood.

(f) No mechanical or electrical equipment or flammable or toxic substances shall be utilized other than that which would customarily be utilized in the home in association with a hobby or avocation not conducted for gain or profit.

(g) Any demand for parking generated by the conduct of such home occupation which is in addition to the spaces required for the residential use shall be accommodated off the street in a suitably located and surfaced space. Parking must be ten feet (10’) from any property line and where three (3) or more spaces are required they shall be effectively screened and buffered by landscaping from view of adjacent residential properties and the home occupation shall be authorized only by issuance of a special use permit by the board. In its approval action, the Board will specify the maximum parking limits associated with the home occupation.

(h) The occupation or activity shall not require the use of machinery or equipment that creates noise, odor, smoke, dust or glare or is dangerous or otherwise detrimental to persons residing in the home or on adjacent property. Commercial vehicles must be kept in a garage or an enclosed and screened storage yard.

(i) No equipment or process used as a part of the occupation or activity shall disrupt residents of nearby dwellings.

(j) No heavy truck or vehicle or piece of equipment having a gross rated carrying capacity of more than one (1) ton gross weight shall be parked or stored on or operated from the site in connection with a home occupation unless such vehicle or equipment has been specifically authorized in conjunction with a use permit authorizing a small contracting business.

Sec. 24.1-282. Home occupations permitted as a matter of right.

(a) Permitted home occupations in all residential districts shall include the following:

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(1) Artists and sculptors.
(2) Authors and composers.
(3) Dressmakers, seamstresses, tailors.
(4) Home crafts such as model making, rug weaving, cabinet making, furniture refinishing, or ceramics.
(5) Office facility of a member of the clergy.
(6) Office facility of a resident salesperson, sales representative or manufacturer's representative.
(7) Home office facility for resident accountants, architects, artists, photographers, brokers, computer programmers, consultants, counselors, dentists, physicians, engineers, lawyers, insurance agents, real estate agents or similar professionals provided, however, that clients or patients may not be seen at the home office facility.
(8) Telephone answering service.

(b) Permitted home occupations which may only be conducted in the RC, RR, R33, R20, and R13 districts include the following:

(1) Photography studios.
(2) Day care or babysitters for not more than six (6) children, other than those of the provider, at any single time or in any 24-hour period.
(3) Tutoring, music or voice lessons or similar services for not more than four (4) persons other than the family members of the provider at any single time.
(4) Other activities and uses which the zoning administrator determines can be operated in complete accordance with section 24.1-281 of this chapter and which are not otherwise regulated or prohibited by this chapter or any other provision of law.

The activities specifically authorized under this subsection shall be permitted to have on-site client contact notwithstanding the provisions of Section 24.1-281 to the contrary.

(Ord. No. O98-18, 10/7/98; Ord. No. 05-13(R), 5/17/05; Ord. No. 14-12, 6/17/14)

Sec. 24.1-283. Home occupations permitted by special use permit.

The board may authorize, by special use permit issued in accordance with all applicable procedural requirements as set forth in article I, the following and materially similar types of home occupations subject to the specified conditions:

(a) Home occupations permitted under section 24.1-282 which generate a parking demand for three (3) or more parking spaces, and those occupations permitted under section 24.1-282(b) in residential districts other than those specified.

(b) Home occupations with on-premises retail sales, or personal services, or customer/client contact.

(1) Uses which may be authorized under this section shall include barber and beauty shops, antique shops, bicycle rental, rental of rooms for nontransient use, day care for more than six (6) children, in-home professional offices with customer or client contact, firearms sales, and other materially similar activities and land uses involving on-premises retail sales, customer contact, and personal services. These provisions shall also apply to catering operations conducted in accordance with section 29.5 of the Rules and Regulations of the Board of Health of the Commonwealth of Virginia provided, however, that food preparation that is conducted from the structure’s standard residential kitchen for off-premises sale and consumption and that does not involve any on-site customer contact or non-resident employees shall not be deemed to
(2) All public contact related to such use shall be limited to the period between 8:00 a.m. and 8:00 p.m., Monday through Saturday, unless otherwise specified by the board.

(3) Off-street parking shall be provided in accordance with the applicable standards established in article VI for business and commercial uses. Such spaces shall be in addition to those otherwise required for the residential use of the property, and shall be no less than ten feet (10’) from any property line, unless on an existing driveway, and shall be effectively screened from view of adjacent properties and street rights-of-way by landscaping supplemented, if necessary, by fencing.

(4) The type and extent of items to be displayed, stored or sold, or personal services to be offered on the premises shall be specifically stipulated by the board in authorizing any such use permit. In no case shall the area devoted to sales, storage, display or conduct of such home occupation exceed twenty-five percent (25%) of the floor area of the residence or such smaller area as may be stipulated by the board.

(5) Such use shall comply with all applicable requirements for home occupations as established in section 24.1-281 of this chapter.

(c) Small contracting businesses operated as home occupations in the RC, RR and WCI district.

(1) For the purpose of this section, small contracting businesses shall be deemed to include businesses engaged in construction and repair of buildings; installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling; landscaping; and other such uses deemed by the zoning administrator to be similar in terms of type, scale and impact. This section shall not be construed to necessitate a use permit for offices of such businesses as authorized and conducted in accordance with the provisions established in sections 24.1-281 and 24.1-282 nor shall this section be construed to provide opportunities for business operations which involve on-site manufacturing of products or materials utilized in the conduct of such business.

(2) All structures, parking and loading areas, and storage areas associated with such use shall be located at least one hundred feet (100’) from any lot line. Such setback and buffer area shall be landscaped and fenced in order to provide immediately a Type 50 transitional buffer.

(3) Not more than two (2) vehicles and pieces of equipment associated with the operation of a business shall be operated from the site or stored there overnight, unless a greater number is deemed appropriate and is authorized by the board of supervisors in conjunction with consideration of a special use permit application. Small transportable equipment including lawn mowers; chain saws; power hand tools; table, band or radial arm saws; and similar items shall not be included in such a determination.

(4) Unless otherwise stipulated by the board in granting a special use permit, the areas covered by all structures used primarily in connection with such uses shall not exceed a total of one thousand five hundred (1,500) square feet.

(5) Unless otherwise stipulated by the board in granting a special use permit, the area covered by any outdoor storage associated with such use shall not exceed a total of one thousand (1,000) square feet.

(6) All parking, loading and storage associated with such use shall be screened effectively from view from adjacent properties by landscaping and appropriate wooden or masonry fencing materials.

(7) The board shall find and determine that the proposed small contracting business is not likely to generate traffic, including commercial delivery vehicles, in greater volume than would normally be expected in the district in which it is located.

(8) The board shall find and determine that the proposed small contracting business is not likely to create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in
(d) Docking workboats and off-loading seafood as a home occupation in RR and RC districts.

(1) Such uses may be authorized only on property which is classified RC or RR. The docking of workboats, off-loading of seafood, and the conduct of a waterman's operation shall be limited to occupants of the premises who are engaged in commercial fishing or the harvesting of seafood from open waters using traditional methods such as lines, nets, crab-pots, tonging or dredging. Uses which involve aquaculture methodologies including but not limited to the propagation, rearing, enhancement and harvest of aquatic organisms (including but not limited to shellfish) in controlled or selected environments pursuant to a license for on-bottom shellfish aquaculture from the Virginia Marine Resources Commission shall not be eligible for consideration under these provisions. Such uses shall, for the purposes of this chapter, be considered to be aquaculture and shall be permitted in accordance with the listings set forth in section 24.1-306, Table of Land Uses, of this chapter.

The above provisions notwithstanding, Special Use Permit authorization shall not be required for traditional waterman activities (commercial fishing, harvesting seafood from open water using traditional methods) conducted in a manner and from property complying with the terms applicable to commercial aquaculture set forth in section 24.1-414.3.

(2) No admission, dockage, or wharfage fees shall be charged.

(3) On-premises wholesale or retail sale of seafood shall be prohibited.

(4) Outdoor storage of goods, equipment, or materials (other than the workboat itself) shall be limited to a total of one thousand (1,000) square feet and shall not be located in any front or side yard, or within twenty feet (20') of any property line. Any equipment or storage located on the property shall be screened from view from all public streets and adjacent properties by a landscaped buffer area supplemented, if determined necessary by the zoning administrator or the board at the time of permit approval, by masonry or wooden fencing material. In its approval of a special use permit, the board may limit outdoor storage to less than one thousand (1,000) square feet or may require a setback greater than twenty feet (20') if deemed necessary based on the characteristics of the subject site or its surroundings.

(5) Repair of workboats shall be limited to routine maintenance, which may include:
   a. minor tune-ups;
   b. change of oil and filters;
   c. washdown and drainage of workboats;
   d. winterizing (draining lines, etc.);
   e. other customary routine repairs or maintenance.

(6) All federal, state and local requirements for docking facilities shall be met and the necessary permits obtained prior to the issuance of a building permit for docks, piers, or boat houses.

(7) The workboats and seafood unloading operations shall be conducted in such a manner as to prevent potentially offensive odors from being produced. No overnight storage of seafood waste shall be permitted on the property.

(8) Any outdoor or security lighting shall be shielded so that glare is not directed onto adjacent property.

(9) The number of workboats docked at the property shall not exceed the capacity of the pier or boat house. The "rafting" of boats shall not be permitted.

(10) No heavy trucks shall be permitted to operate from the property.

(11) Any demand for parking generated by the conduct of such use shall be accommodated off the
(12) The storage and utilization of toxic substances shall be limited to types and quantities that would customarily be utilized or stored for residential use. Any storage or utilization of combustible, toxic, or flammable substances shall be in accordance with the National Fire Prevention Code.

(13) The board shall, on a case-by-case basis, review and impose such other conditions as it deems necessary and appropriate to assure that the use will be compatible with, and will not adversely impact, adjoining properties and the environment of the area. Such conditions and restrictions may include:
   a. hours of operation;
   b. number of workboats permitted to use the private residential pier or dock;
   c. a requirement to prepare a water quality impact assessment;
   d. additional screening or landscaping requirements for outdoor storage areas and equipment.

(e) Home occupations with non-resident employees.

(1) All home occupation categories whether permitted as a matter of right or by special use permit under section 24.1-282 and 24.1-283 may be authorized under this section to include one (1) or more non-resident employees. The allowable number of non-resident employees shall be specified in the use permit approval.

(2) Evaluation of this allowance shall be based on the general provisions of section 24.1-281 and applicable requirements as set forth in section 24.1-283.

(f) Enlargement or expansion of permitted home occupations.

(1) The board may authorize by special use permit issued in accordance with the procedures stipulated in article I, enlargements or expansion of home occupations permitted in sections 24.1-282 and 24.1-283.

(2) The board shall find that the overall spirit and intent of section 24.1-281 will not be violated by the issuance of a special use permit authorizing an enlargement or expansion and may attach any conditions deemed necessary to ensure such compliance.

Sec. 24.1-284. Prohibited home occupations.

The following uses shall not be permitted as accessory home occupations:

(a) Automobile repair and servicing.
(b) Funeral chapels or funeral homes.
(c) Gift shops.
(d) Medical or dental clinics or hospitals.
(e) Restaurants, tearooms, or other eating or drinking establishments.
(f) Commercial stables, commercial kennels.
(g) Veterinary clinics.
(h) Other activities and land uses which the zoning administrator determines to be materially similar to the

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activities listed above.

ARTICLE III. DISTRICTS

DIVISION 1. IN GENERAL

Sec. 24.1-300. Establishment of zoning districts.

The territory of the county shall be divided into the classes of zoning districts set forth in this article with the boundaries of the districts being as established on the map or maps entitled "Zoning Map of York County" which are incorporated by reference as a part of this ordinance. The tables presented in this Division identify the uses authorized in each zoning district with the exception of the planned development and overlay districts. Reference should be made to the individual planned development district and overlay district regulations for a listing of the types of uses permitted therein and restrictions on certain uses.

The sections which follow present requirements and guidelines for interpretation of the district regulations established by this chapter.

Sec. 24.1-301. Interpretation of table of uses.

(a) Coding system. The uses permitted in each zoning district created by this chapter are indicated in the table in section 24.1-306 according to the coding system set forth below:

<table>
<thead>
<tr>
<th>CODE</th>
<th>INTERPRETATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Permitted as a matter of right</td>
</tr>
<tr>
<td>A</td>
<td>Administratively issued permit required</td>
</tr>
<tr>
<td>S</td>
<td>Special use permit issued by the board required in accordance with standards established in article I</td>
</tr>
<tr>
<td>Blank</td>
<td>Use not permitted</td>
</tr>
</tbody>
</table>

(b) Categorization system. Uses listed in the table in section 24.1-306 are organized according to the categories set forth below:

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Residential Uses</td>
</tr>
<tr>
<td>2</td>
<td>Agriculture, Animal Keeping and Related Uses</td>
</tr>
<tr>
<td>3</td>
<td>(RESERVED)</td>
</tr>
<tr>
<td>4</td>
<td>Community Uses</td>
</tr>
<tr>
<td>5</td>
<td>Educational Uses</td>
</tr>
<tr>
<td>6</td>
<td>Institutional Uses</td>
</tr>
<tr>
<td>7</td>
<td>Public and Semipublic Uses</td>
</tr>
<tr>
<td>8</td>
<td>Temporary Uses</td>
</tr>
<tr>
<td>9</td>
<td>Recreation and Amusement Uses</td>
</tr>
<tr>
<td>10</td>
<td>Commercial and Retail Uses</td>
</tr>
<tr>
<td>11</td>
<td>Business and Professional Service Uses</td>
</tr>
<tr>
<td>12</td>
<td>Motor Vehicle and Transportation Related Uses</td>
</tr>
<tr>
<td>13</td>
<td>Shopping Centers and Business Parks</td>
</tr>
<tr>
<td>14</td>
<td>Wholesaling and Warehousing</td>
</tr>
<tr>
<td>15</td>
<td>Limited Industrial Uses</td>
</tr>
<tr>
<td>16</td>
<td>General Industrial Uses</td>
</tr>
<tr>
<td>17</td>
<td>Utilities and Related Uses</td>
</tr>
</tbody>
</table>
Meaning of Terms. The terms in this article have specific and limited meanings.

1. The term "permitted use" represents only those uses which are allowed in a district without a special permit. Permitted uses are designated by the letter "P" in the Table of Land Uses established in section 24.1-306. In the event of conflict between the table and the text of this chapter, the text shall control.

2. The terms "special use" and "specially permitted use" are synonymous and refer to those uses which are permitted only by special use permit authorized by the board in accordance with applicable standards and the review and approval procedures established in article I. Such uses are designated by the letter "S" in the table of land uses established in section 24.1-306. In the event of conflict between the table and the text of this chapter, the text shall control.

3. The term “administrative permit” shall refer only to those uses specifically denoted with the letter “A” in the table of land uses established in section 24.1-306 for which an administratively issued permit is required prior to commencing the use. Administrative permits are issued by the zoning administrator in accordance with the performance standards and requirements established for the specific use in article IV of this chapter.

Districts. The following zoning districts are established:

<table>
<thead>
<tr>
<th>District</th>
<th>Definition</th>
<th>Primary Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>RC</td>
<td>Resource conservation</td>
<td>Very low density single-family detached, agriculture, aquaculture, military, conservation, environmentally sensitive areas</td>
</tr>
<tr>
<td>RR</td>
<td>Rural residential</td>
<td>Low density single-family detached, agriculture, aquaculture</td>
</tr>
<tr>
<td>R33</td>
<td>Low density single-family residential</td>
<td>Low density single-family, subdivision settings</td>
</tr>
<tr>
<td>R20</td>
<td>Medium density single-family residential</td>
<td>Medium density single-family detached</td>
</tr>
<tr>
<td>R13</td>
<td>High density single-family residential</td>
<td>High density single-family detached</td>
</tr>
<tr>
<td>R7</td>
<td>Manufactured home subdivision</td>
<td>Manufactured homes within a manufactured home subdivision</td>
</tr>
<tr>
<td>RMF</td>
<td>Multi-family residential</td>
<td>Duplexes, townhouses, multiplexes, apartments, and condominiums</td>
</tr>
<tr>
<td>YVA</td>
<td>Yorktown village activity</td>
<td>Residential and nonresidential uses within historic Yorktown</td>
</tr>
<tr>
<td>NB</td>
<td>Neighborhood business</td>
<td>Retail uses and services for nearby residential areas</td>
</tr>
<tr>
<td>LB</td>
<td>Limited business</td>
<td>Commercial retail uses, businesses and professional services and offices having a predominant “9 to 5” character</td>
</tr>
<tr>
<td>GB</td>
<td>General business</td>
<td>Broad range of retail commercial uses, shopping centers, fast food establishments, business and professional services, and automotive services</td>
</tr>
<tr>
<td>WCI</td>
<td>Water-oriented commercial and industrial</td>
<td>Marina, marine supply stores, seafood processing and storage, aquaculture</td>
</tr>
<tr>
<td>EO</td>
<td>Economic opportunity</td>
<td>Retail, tourist-related and limited industrial activities</td>
</tr>
<tr>
<td>IL</td>
<td>Limited industrial</td>
<td>Wholesaling and warehousing activities, limited manufacturing and assembly and recycling centers, agriculture, aquaculture</td>
</tr>
<tr>
<td>IG</td>
<td>General industrial</td>
<td>Warehousing, petroleum production, broad range of industrial uses, and utility facilities, agriculture, aquaculture</td>
</tr>
<tr>
<td>PD</td>
<td>Planned development</td>
<td>Planned development including mixed use development</td>
</tr>
</tbody>
</table>

(Ord. No. 14-12, 6/17/14; Ord. No. 14-20(R), 10/21/14)
Sec. 24.1-302. Uses not listed.

It is the intent of this chapter to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by special permit. In the event a particular use is not listed in this chapter as a permitted use, a specially permitted use, or an administratively permitted use, and such use is not listed in section 24.1-307 as a prohibited use and is not prohibited by law, then such use shall not be permitted unless the zoning administrator shall determine whether a materially similar use exists in this chapter. Should the zoning administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the administrator's decision shall be recorded in writing. Should the zoning administrator determine that a materially similar use does not exist, the matter shall be referred to the planning commission for consideration of the initiation of an application for amendment of the chapter to establish a specific listing for the use in question.

(Ord. No. 01-20(R), 10/16/01; Ord. No. 11-15(R), 11/16/11)

Sec. 24.1-303. Interpretation of district and lot size requirements.

(a) In this chapter, district and lot size requirements are expressed in terms of:

(1) Minimum district size
(2) Minimum lot area
(3) Minimum lot width

(b) Minimum lot area and minimum lot width requirements are for conventional subdivision lots; for open space subdivision lots, refer to section 24.1-402.

(c) Where no minimum district size is specified, the minimum lot area and lot width requirements shall define the minimum district size.

(d) Where a minimum district size is specified for a particular zoning classification, additional lands, which standing alone do not meet the minimum district size requirements, may be rezoned to such classification if such lands are contiguous to the zoned district, if the rezoning would be consistent with the adopted comprehensive plan, and provided that with the addition of such land the total contiguous area in the given classification will equal or exceed the required minimum district size.

(e) Unless otherwise specified in this chapter, all uses permitted by right or by special use permit shall be subject to the minimum lot size requirements specified for a given district.

(f) In the event of conflict between the tables of district and lot size requirements and the text of this chapter, the text shall control.

Sec. 24.1-304. Interpretation of lot and building dimensional requirements.

(a) In this chapter lot and building dimensional requirements are expressed in terms of:

(1) minimum setback requirements
(2) minimum yard requirements
(3) maximum building height

(b) Minimum setback and yard requirements shall be as set forth for each particular zoning district, except as may be specifically qualified by other provisions of this chapter.

(c) Maximum building height shall be as set forth for each particular zoning district except as may be specifically qualified by other provisions of this chapter. Maximum building height shall be determined in accordance with the definition of 'Building height' set forth in section 24.1-104.
(d) In the event of conflict between the Tables of Lot and Building Dimensional Requirements and the text of this chapter, the text shall control.

Sec. 24.1-305. Additional requirements.

(a) Additional provisions which may be directly applicable to the types of development permitted in the zoning districts are contained in other sections of this chapter and may qualify or supplement the regulations presented within each district. Furthermore, other provisions of the code, including without limitation, the erosion and sediment control ordinance, stormwater management ordinance and subdivision ordinance may affect the use and development of land.

(b) Performance standards for most uses are contained in article IV of this chapter. These are minimum standards which must be achieved for the establishment of the use to which they pertain whether the use is permitted as a matter of right or only by a special or administrative permit. Additional performance standards may be imposed during the issuance of special use permits in accordance with the applicable provisions of this chapter.

Sec. 24.1-306. Table of land uses.

<table>
<thead>
<tr>
<th>USES</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>COMMERCIAL AND INDUSTRIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC</td>
<td>RR</td>
</tr>
<tr>
<td>1. Residential - Conventional</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>a) Single-Family, Detached</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>b) Single-Family, Attached</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>• Duplex</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>• Townhouse</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>• Multiplex</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>c) Multi-Family</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>d) Manufactured Home (Permanent)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>2. Residential (Cluster Techniques Open Space Development)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>a) Single-Family, Detached</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>b) Single-Family, Attached</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>• Duplex</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>3. RESERVED</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>4. Manufactured Home Park</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>5. Boarding House</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>6. Tourist Home, Bed and Breakfast</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>7. Group Home (for more than 8 occupants)</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>8. Transitional Home</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>B. Senior Housing – Independent Living Facility</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>(a) detached or attached units w/individual outside entrances</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>(b) multi-unit structures w/internal entrances</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>(c) multi-unit structure w/internal or external entrances to individual units when established in an adapted structure formerly used as hotel or motel.</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

(Ord. No. 03-2, 1/21/03; Ord. No. 03-8(R), 3/4/03; Ord. No. 03-25, 8/17/03; Ord. No. 08-17(R), 3/17/09; Ord. No. 11-15(R), 11/16/11; Ord. No. 13-16, 11/19/13; Ord. No. 14-12, 6/17/14; Ord. No. 14-20(R), 10/21/14)
### Code of the County of York, Virginia

#### Chapter 24.1

**Supplement 31**

- **P=Permitted Use**
- **S=Permitted by Special Use Permit**

<table>
<thead>
<tr>
<th><strong>RESIDENTIAL DISTRICTS</strong></th>
<th><strong>COMMERCIAL AND INDUSTRIAL DISTRICTS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>USES</strong></td>
<td><strong>RC</strong></td>
</tr>
<tr>
<td><strong>CATEGORY 2 - AGRICULTURE, ANIMAL KEEPING, AND RELATED USES</strong></td>
<td></td>
</tr>
<tr>
<td>aquaculture</td>
<td>P</td>
</tr>
<tr>
<td>agriculture</td>
<td>P</td>
</tr>
<tr>
<td>reserved</td>
<td></td>
</tr>
<tr>
<td>wholesale Nursery or Greenhouse</td>
<td>S</td>
</tr>
<tr>
<td>retail Nursery or Greenhouse</td>
<td>S</td>
</tr>
<tr>
<td>retail or Wholesale with accessory landscape contracting storage &amp; equipment</td>
<td>S</td>
</tr>
<tr>
<td>reserved</td>
<td></td>
</tr>
<tr>
<td>reserved</td>
<td></td>
</tr>
<tr>
<td>animal hospital, vet clinic, commercial kennel</td>
<td>S</td>
</tr>
<tr>
<td>animal hospital, vet clinic, commercial kennel</td>
<td>S</td>
</tr>
<tr>
<td>farmers market</td>
<td>P</td>
</tr>
</tbody>
</table>

**USES CATEGORY 3 - RESERVED**

**USES CATEGORY 4 - COMMUNITY USES**

<table>
<thead>
<tr>
<th><strong>RESIDENTIAL DISTRICTS</strong></th>
<th><strong>COMMERCIAL AND INDUSTRIAL DISTRICTS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>USES</strong></td>
<td><strong>RC</strong></td>
</tr>
<tr>
<td>meeting halls, recreational, social uses, or private clubs operated by social, fraternal, civic, public, or similar organizations</td>
<td>S</td>
</tr>
<tr>
<td>any recreational or social uses approved as a part of a subdivision or site plan and operated primarily for use of residents or occupants of such development</td>
<td>P</td>
</tr>
</tbody>
</table>
### Category 5 - Educational Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential Districts</th>
<th>Commercial and Industrial Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pre-school, Child Care, Nursery School</td>
<td>RC RR R33 R20 R13 R7 RMF</td>
<td>NB LB GB WCI EO IL IG</td>
</tr>
<tr>
<td>a) York County Public Schools</td>
<td>S S S S S S S S S S S S</td>
<td></td>
</tr>
<tr>
<td>b) Other</td>
<td>S S S S S S S S S S S S</td>
<td></td>
</tr>
<tr>
<td>4. College/University</td>
<td>S S S S S S S S S S S S</td>
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</tr>
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</table>

(Ord. No. 14-12, 6/17/14)

### Category 6 - Institutional Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential Districts</th>
<th>Commercial and Industrial Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Place of Worship including Accessory Parsonage, Parochial School, Accessory Day Care, Accessory Cemetery</td>
<td>P P P P P P P P P P P</td>
<td></td>
</tr>
<tr>
<td>1a. Convent/Monastery</td>
<td>S S S S S S S S S S S</td>
<td></td>
</tr>
<tr>
<td>2. Senior Housing – Congregate Care</td>
<td>S S S S S S S S S S S</td>
<td></td>
</tr>
<tr>
<td>3. Senior Housing – Assisted Living</td>
<td>S S S S S S S S S S S</td>
<td></td>
</tr>
<tr>
<td>4. Senior Housing – Continuing Care Retirement Community</td>
<td>S S S S S S S S S S S</td>
<td></td>
</tr>
<tr>
<td>5. Nursing Home</td>
<td>S S S S S S S S S S S</td>
<td></td>
</tr>
<tr>
<td>6. Medical Care Facility, including General Care Hospital, Trauma Center</td>
<td>S P P P P P P P P P P P</td>
<td></td>
</tr>
<tr>
<td>7. Emergency Care/First-Aid Centers or Clinic</td>
<td>P P P P P P P P P P P</td>
<td></td>
</tr>
<tr>
<td>8. Secured Medical Facility</td>
<td>S S S S S S S S S S S</td>
<td></td>
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</table>

(Ord. No. 11-15(R), 11/16/11; Ord. No. 14-12, 6/17/14)

### Category 7 - Public and Semi-Public Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential Districts</th>
<th>Commercial and Industrial Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Animal Shelter</td>
<td>S S S S S S S S S S S</td>
<td></td>
</tr>
<tr>
<td>8. Park or Recreation Facilities (Civic or Semi-Public), excluding golf courses</td>
<td>S S S S S S S S S S S</td>
<td></td>
</tr>
<tr>
<td>10. Cemetery</td>
<td>S S S S S S S S S S S</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. No. 11-15(R), 11/16/11; Ord. No. 14-12, 6/17/14)
### CODE OF THE COUNTY OF YORK, VIRGINIA

#### CHAPTER 24.1

<table>
<thead>
<tr>
<th>12. Correctional Facility</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a) County Jail</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td><strong>b) Other Facility</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

(Ord. No. 14-12, 6/17/14)

<table>
<thead>
<tr>
<th>USES</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>COMMERCIAL AND INDUSTRIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC</td>
<td>RR</td>
</tr>
<tr>
<td>1. Carnival, Circus, Fair, Festival or Similar Special Event</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>2. Sale of Seasonal Items such as Christmas Trees, Produce</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>3. Recycling Collection Point</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>4. Craft Shows &amp; Sales</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>5. Flea Markets</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>6. Temporary Construction Office Trailers &amp; Buildings</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>7. Temporary Construction Workers' Parking</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>8. Temporary Home While Constructing Permanent Dwelling Facilities</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>9. Temporary Trailers for Business or School Use</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>10. Model Home Display Parks</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>11. Mobile Food Vending Vehicle (Food Trucks)</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

(Ord. No. 14-12, 6/17/14; Ord. No. 15-15(R), 1/19/16)

<table>
<thead>
<tr>
<th>USES</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>COMMERCIAL AND INDUSTRIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC</td>
<td>RR</td>
</tr>
<tr>
<td>1. Theater - Indoor</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>a) Indoor Only</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>b) Indoor &amp; Outdoor</strong></td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>3. Bowling Alley</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>4. Video Arcade, Pool Hall, Billiards Hall, Bingo Hall</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>5. Indoor Family Amusement Center</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>6. Skating Rink</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>7. Firing Range-Indoor Only</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>8. Paintball Gun Firing Range-outdoor</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>10. Golf Driving Range</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>11. Country Club or Golf Course, Public or Private</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>12. Campgrounds</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>13. Theme Park, Amphitheater, Stadium</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>14. Marina, Dock, Boating Facility (Commercial)</td>
<td>P</td>
<td>P</td>
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</tbody>
</table>

(Ord. No. 14-12, 6/17/14)

Supplement 32
<table>
<thead>
<tr>
<th>Scalar</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>COMMERCIAL AND INDUSTRIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>P=PERMITTED USE</td>
<td>S=PERMITTED BY SPECIAL USE PERMIT</td>
<td>RC</td>
</tr>
<tr>
<td>1. Antiques/Reproductions, Art Gallery</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>2. Wearing Apparel Store</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>3. Appliance Sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Auction House</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Convenience Store</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>6. Grocery Store</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>8. Camera Shop, One-Hour Photo Service</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>9. Florist</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>10. Gifts, Souvenirs Shop</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>11. Hardware, Paint Store</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>12. Hobby, Craft Shop</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>13. Household Furnishings, Furniture</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>14. Jewelry Store</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>15. Lumberyard, Building Materials</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>17. Drug Store</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>18. Radio and TV Sales</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>19. Sporting Goods Store</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>20. Firearms Sales and Service</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>21. Tobacco Store</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>22. Toy Store</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>23. Gourmet Items/Health Foods/Candy/ Speciality Foods/Bakery Shops</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>24. ABC Store</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>25. Bait, Tackle/Marine Supplies Including Incidental Grocery Sales</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>26. Office Equipment &amp; Supplies</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>27. Pet Store</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>28. Bike Store, Including Rental/Repair</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>29. Piece Goods, Sewing Supplies</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>30. Optical Goods, Health Aids or Appliances</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>31. Fish, Seafood Store</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>32. Department, Variety, Discount Store</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>33. Auto Parts, Accessories (new parts)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>34. Second Hand, Used Merchandise Retailers (household items, etc.) a) without outside display/storage</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>b) with outside display/storage</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>35. Storage shed and utility building sales/display</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>36. Home Improvement Center</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

(Ord. No. 14-12, 6/17/14)

1See Section 24.1-466(g) for special provisions applicable to developments with 80,000 or more square feet of gross floor area.
### RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th>USES</th>
<th>RC</th>
<th>RR</th>
<th>R33</th>
<th>R20</th>
<th>R13</th>
<th>R7</th>
<th>RMF</th>
<th>NB</th>
<th>LB</th>
<th>GB</th>
<th>WCI</th>
<th>EO</th>
<th>IL</th>
<th>IG</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Barber/Beauty Shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td></td>
</tr>
<tr>
<td>3. Apparel Services (Dry Cleaning/Laundry retail) Laundrymat, Tailor, Shoe Repair, etc.)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td></td>
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</tr>
<tr>
<td>4. Funeral Home (may include cremation services)</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
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</tr>
<tr>
<td>4a. Cremation Services (human or pets)</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
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</tr>
<tr>
<td>5. a) Photographic Studio</td>
<td>S</td>
<td>P</td>
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<td>P</td>
<td>P</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Film Processing Lab</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Fortune Teller</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
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</tr>
<tr>
<td>7.1 Tattoo Parlor</td>
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<td>S</td>
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</tr>
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<td>7.2 Pawn Shop</td>
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<td>S</td>
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<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. a) Banks, Financial Institutions</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>b) Freestanding Automatic Teller Machines</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td></td>
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</tr>
<tr>
<td>8.1 Payday Loan Establishments</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
<td>S</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>10. Hotel &amp; Motel</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
<td>S</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>11. Timeshare Resort</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Restaurant/Sit Down</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Restaurant/Drive In</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Restaurant - Carryout/Delivery only</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Catering Kitchen/Services</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Nightclub</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>19. Commercial Reception Hall or Conference Center</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Establishments Providing Printing, Photocopying, Blueprinting, Mailing, Facsimile Reception &amp; Transmission or similar business services to the general public, and business and professional users</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Ord. No. 05-34(R), 12/20/05; Ord. No. 06-21, 9/19/06; Ord. No. 14-12, 6/17/14)
### CATEGORY 12 - MOTOR VEHICLE / TRANSPORTATION

<table>
<thead>
<tr>
<th>USES</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>COMMERCIAL AND INDUSTRIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC</td>
<td>RR</td>
</tr>
<tr>
<td>1. Car Wash</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Automobile Fuel Dispensing Establishment/ Service Station (May include accessory convenience store and/or car wash)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Auto Repair Garage</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>4. Auto Body Work &amp; Painting</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>
| 5. Auto or Light Truck Sales, Rental, Service (New or used vehicles sales) (Including Motorcycles or R.V.’s)
   a) Without Auto Body Work & Painting                  | S    | S   | P   | P   |     |     |     |     |     |     |     |    |    |    |
   b) With Body Work & Painting                           | S    | S   | P   | P   |     |     |     |     |     |     |     |    |    |    |
| 6. Heavy Truck and Equipment Sales, Rental, Service     | S    |     |     |     |     |     |     | P   | P   |     |     |    |    |    |
| 7. Farm Equipment Sales, Rental, Service                | S    | P   | P   |     |     |     |     |     |     |     |     |    |    |    |
| 8. Manufactured Home Sales, Rental, Service             | S    | S   | S   |     |     |     |     |     |     |     |     |    |    |    |
| 10. Marine Railway, Boat Building and Repair            | P    | P   | P   |     |     |     |     |     |     |     |     |    |    |    |
| 11. Truck Stop                                          | S    | S   | P   | P   |     |     |     |     |     |     |     |    |    |    |
| 12. Truck Terminal                                     | P    | P   | P   |     |     |     |     |     |     |     |     |    |    |    |
| 13. Heliport                                            | S    | S   | S   | S   |     |     |     |     |     |     |     |    |    |    |
| 14. Helipad                                             | S    | S   | S   | S   |     |     |     |     |     |     |     |    |    |    |
| 15. Airport                                             | S    | S   | S   | S   |     |     |     |     |     |     |     |    |    |    |
| 16. Bus or Rail Terminal                                | P    |     |     |     |     |     |     | P   | P   |     |     |    |    |    |
| 17. Taxi or Limousine Service                          | P    | P   |     |     |     |     |     |     |     |     |     |    |    |    |
| 18. Towing Service / Auto Storage or Impound Yard      | S    | S   |     |     |     |     |     |     |     |     |     |    |    |    |
| 18a. Recreational Vehicle Storage Facility             | S    | P   | P   |     |     |     |     |     |     |     |     |    |    |    |
| 19. Automobile Graveyard, Junkyard                     | S    |     |     |     |     |     |     |     |     |     |     |    |    |    |
| 20. Bus Service/Repair Facility                        | P    | P   | P   |     |     |     |     |     |     |     |     |    |    |    |

(Ord. No. 09-22(R), 10/20/09; Ord. No. 10-24, 12/21/10; Ord. No. 14-12, 6/17/14)

1See Section 24.1-461(a)(3) for special provisions applicable to shopping centers with 80,000 or more square feet of gross floor area.

### CATEGORY 13 - SHOPPING CENTERS / BUSINESS PARKS

<table>
<thead>
<tr>
<th>USES</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>COMMERCIAL AND INDUSTRIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC</td>
<td>RR</td>
</tr>
<tr>
<td>1. Neighborhood Shopping Center</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>2. Community or Regional Shopping Center</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3. Specialty Shopping Center</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>4. Office Park</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>5. Industrial Park</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

(Ord. No. 14-12, 6/17/14)
### CATEGORY 14 - WHOLESALING / WAREHOUSING

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential Districts</th>
<th>Commercial and Industrial Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATEGORY 14 - WHOLESALING / WAREHOUSING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Wholesale Auction Establishment</td>
<td>P</td>
<td>P P P</td>
</tr>
<tr>
<td>a) without outdoor storage/activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) with outdoor storage</td>
<td>S</td>
<td>P P P</td>
</tr>
<tr>
<td>2. Warehousing, Including Moving and Storage Establishment</td>
<td>S</td>
<td>S P P</td>
</tr>
<tr>
<td>3. Wholesale Trade Establishment (May Include accessory retail sales)</td>
<td>P</td>
<td>P P P</td>
</tr>
<tr>
<td>a) without outdoor storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) with outdoor storage</td>
<td>S</td>
<td>S P P</td>
</tr>
<tr>
<td>4. Seafood Receiving, Packing, Storage</td>
<td>P</td>
<td>S P P</td>
</tr>
<tr>
<td>5. Petroleum Products Bulk Storage/Retail Distribution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Mini-Storage Warehouses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Single-story</td>
<td>S</td>
<td>P P P</td>
</tr>
<tr>
<td>b. Multi-story</td>
<td>S</td>
<td>P P P</td>
</tr>
</tbody>
</table>

(Ord. No. 11-15(R), 11/16/11; Ord. No. 14-12, 6/17/14)

### CATEGORY 15 - LIMITED INDUSTRIAL ACTIVITIES

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential Districts</th>
<th>Commercial and Industrial Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATEGORY 15 - LIMITED INDUSTRIAL ACTIVITIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Laboratories, Research/Development Testing Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Publishing, Printing, Other than general public and business/professional services</td>
<td></td>
<td>S P P P</td>
</tr>
<tr>
<td>3. Computer and Technology Development and Assembly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Contractors' Shops (e.g., Plumbing, Electrical, Mechanical, HVAC, Home Improvement or Construction, Swimming Pool, Landscaping, Cabinetmaking, General Building, Excavating, etc.)</td>
<td></td>
<td>P P P P</td>
</tr>
<tr>
<td>a) With Enclosed Storage of Equipment or Materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) With Outdoor/Exposed Storage</td>
<td>S</td>
<td>P P P</td>
</tr>
<tr>
<td>5. Laundry, Dry Cleaning Plant (institutional)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Stone Monument Sales, Processing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Manufacture or Assembly of Electronic Instruments, Components, Devices</td>
<td></td>
<td>S S P P P</td>
</tr>
<tr>
<td>9. Manufacture or Assembly of Medical, Drafting, Metering, Marine, Photo- graphic, Mechanical Instruments</td>
<td></td>
<td>P P P</td>
</tr>
<tr>
<td>10. Ice Manufacturing and Storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Sales, Distribution, and Installation of Glass, Including Windows, Mirrors, and/or Automobile Glass</td>
<td></td>
<td>S P P P</td>
</tr>
<tr>
<td>13. Recycling Center</td>
<td></td>
<td>S S P P P</td>
</tr>
<tr>
<td>14. Recycling Plant</td>
<td></td>
<td>S P P</td>
</tr>
</tbody>
</table>

(Ord. No. 14-12, 6/17/14; Ord. No. 14-27, 12/16/14)
## CODE OF THE COUNTY OF YORK, VIRGINIA

### CHAPTER 24.1

<table>
<thead>
<tr>
<th>USES</th>
<th>CATEGORY 16 - GENERAL INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RESIDENTIAL DISTRICTS</td>
</tr>
<tr>
<td></td>
<td>RC</td>
</tr>
<tr>
<td>1. Manufacture &amp; Assembly of Tools, Firearms, Hardware, HVAC Equipment</td>
<td></td>
</tr>
<tr>
<td>2. Manufacture &amp; Assembly of Musical Instruments, Toys, Novelties</td>
<td></td>
</tr>
<tr>
<td>3. Manufacture, Compounding, Processing, Packaging of Cosmetics, Toiletries, Pharmaceuticals</td>
<td></td>
</tr>
<tr>
<td>5. Manufacture of Pottery and Ceramic Products</td>
<td>S</td>
</tr>
<tr>
<td>6. Manufacture, Compounding, Processing &amp; Packaging of Food and Food Products</td>
<td>S</td>
</tr>
<tr>
<td>7. Concrete or Asphalt Mixing, Batching Plant</td>
<td>S</td>
</tr>
<tr>
<td>8. Distillation of Varnish, Turpentine</td>
<td>S</td>
</tr>
<tr>
<td>9. Fertilizer Manufacturing</td>
<td>S</td>
</tr>
<tr>
<td>10. Fireworks, Explosives Manufacturing, Storage</td>
<td>S</td>
</tr>
<tr>
<td>11. Fish Canning, Curing, Grining, Smoking</td>
<td>S</td>
</tr>
<tr>
<td>12. Glue, Size Manufacturing</td>
<td>S</td>
</tr>
<tr>
<td>13. Iron, Steel, Copper, Metal Works &amp; Foundries</td>
<td>S</td>
</tr>
<tr>
<td>14. Lime, Cement, Gypsum, Plaster Manufacturing</td>
<td>S</td>
</tr>
<tr>
<td>15. Petroleum Products, Alcohol Refining, Manufacturing, Mixing, Storage</td>
<td>S</td>
</tr>
<tr>
<td>16. Soap Manufacturing</td>
<td>S</td>
</tr>
<tr>
<td>17. Tanning/Curing Hides</td>
<td>S</td>
</tr>
<tr>
<td>18. Slaughterhouse, Rendering Plant</td>
<td>S</td>
</tr>
<tr>
<td>19. Chemical Manufacturing</td>
<td>S</td>
</tr>
<tr>
<td>20. Paint, Shellac Manufacturing</td>
<td>S</td>
</tr>
<tr>
<td>21. Extractive Industries, Surface Mines, Borrow Pits</td>
<td>S</td>
</tr>
<tr>
<td>21.1. Soil Stockpiling</td>
<td>S</td>
</tr>
<tr>
<td>22. Sawmill/Firewood splitting/sales lot</td>
<td>S</td>
</tr>
<tr>
<td>23. Construction Trailer Storage Yards</td>
<td>S</td>
</tr>
<tr>
<td>25. Meat &amp; Poultry Packing, Curing, Canning, Smoking</td>
<td>S</td>
</tr>
</tbody>
</table>

(Ord. No. 14-12, 6/17/14)
### Sec. 24.1-307. Prohibited uses.

The following uses shall be prohibited in the county:

(a) Smelting;

(b) Nuclear materials manufacturing;

(c) Nuclear waste processing or disposal;

(d) Biohazard waste processing or disposal; and

(e) Manufacture, transformation, or distribution of biologically accumulative poisons or other poisons that are or ever were registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 135, et seq.).

(f) ATV (All Terrain Vehicle) tracks, cross-country circuits or other facilities designed or used for operation of such vehicles by other than the property owner/occupant as an activity accessory to their residential use of a property.

(g) Placement of trailers or containerized cargo units on any property for storage or other uses, except as specifically authorized by the terms of this chapter.

(Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09)
Sec. 24.1-320. Purpose of residential districts.

The purpose of the residential districts is to provide a full range of opportunity in accordance with the comprehensive plan, and specifically the housing element and land use element, for the orderly, healthful, convenient, and affordable distribution of housing throughout the county. A variety of densities and housing arrangements is provided based on the availability or expected availability of the public service infrastructure necessary to serve development. The lower density arrangements have been established in order to protect significant natural and environmentally sensitive lands from conversion to more intense land uses. These areas include woodlands, scenic areas, wetlands, watersheds, steep slopes, farmland, and other similarly sensitive areas. Their protection will help minimize environmental hazards such as flooding, erosion, siltation, and air and water pollution and serve to maintain the rural character and quality of the county.


(a) Statement of intent. The RC district is the least intense zoning classification and is intended primarily for those areas of the county designated for military or conservation uses in the comprehensive plan. This designation is also appropriate for lands designated for low density residential development which are not served by public utilities, are located within areas of particular environmental sensitivity as identified in the natural areas inventory, or have unusual development constraints caused by previous development or the presence of steep slopes, wetlands, or other environmental constraints.

(b) Dimensional standards. Each lot created or used shall be subject to the following dimensional standards:

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height&lt;sup&gt;(1)&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Width Front Side Rear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Detached Dwellings</td>
<td>5 ac 300' 50' 50' 50' 35'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 ha 90m</td>
<td>50' 15m 15m 15m 12m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Permitted &amp; Special Uses</td>
<td>5 ac 300' 50' 50' 50' 35'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 ha 90m</td>
<td>50' 15m 15m 15m 10.5m</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>(1)</sup> For dwelling units in excess of thirty-five feet (35') in height, refer to Section 24.1-233.

Minimum district size: none

NOTE: Residential open space subdivision techniques may be used in this district. Performance standards and special use permit requirements or conditions may increase yard and lot requirements. See article IV.

(Ord No. 097-17, 6/4/97; Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-322. RR-Rural residential district.

(a) Statement of intent. The RR district is intended to provide opportunities primarily for single-family residential development generally having a maximum density of one dwelling unit per acre. Low density development is appropriate in areas where public services and facilities are limited and/or physical or environmental constraints are prevalent.

(b) Dimensional standards. Each lot created or used shall be subject to the following dimensional standards:

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements&lt;sup&gt;(1)&lt;/sup&gt;</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height&lt;sup&gt;(1)&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Width IV Front Side Rear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Detached Dwellings</td>
<td>1 ac 150' 20' 50' 35'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4000 m&lt;sup&gt;2&lt;/sup&gt; 45m</td>
<td>50' 15m 15m 12m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Permitted &amp; Special Uses</td>
<td>1 ac 150' 20' 50' 35'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>(1)</sup> For dwelling units in excess of thirty-five feet (35') in height, refer to Section 24.1-233.

Minimum district size: none

NOTE: Residential open space subdivision techniques may be used in this district. Performance standards and special use permit requirements or conditions may increase yard and lot requirements. See article IV.

(Ord No. 097-17, 6/4/97; Ord. No. 08-17(R), 3/17/09)
Sec. 24.1-322.1. R33-Low density single-family residential district.

(a) Statement of intent. The intent of the R33 district is to provide opportunities for low density single-family residential development. The district is intended to be established in areas designated Conservation or Low Density Residential by the Comprehensive Plan where public utilities are available and where existing development is arranged and situated in a relatively compact subdivision setting or where any future in-fill residential development should be of a similar suburban subdivision character.

(b) Dimensional standards. Each lot created or used shall be subject to the following dimensional standards:

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements (1)</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Width Front Side Rear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Detached Dwellings</td>
<td>33,000 sq. ft. 130' 50' 15' 30' 35'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Permitted &amp; Special Uses</td>
<td>33,000 sq. ft. 130' 50' 15' 30' 35'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) These minimum lot requirements apply where both public water and public sewer are available. For lots not served by public water and public sewer, refer to Section 24.1-204.

(2) For dwelling units in excess of thirty-five feet (35’) in height, refer to Section 24.1-233.

Minimum district size: none

NOTE: Residential open space subdivision techniques may be used in this district. Performance standards and special use permit requirements or conditions may increase yard and lot requirements. See article IV.

(Ord. No. 14-12, 6/16/14)


(a) Statement of intent. The intent of the R20 district is to provide opportunities for medium density single-family residential development. Its intended application is for areas designated medium density by the comprehensive plan where public utilities are available.

(b) Dimensional standards. Each lot created or used shall be subject to the following dimensional standards:

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements (1)</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Width Front Side Rear</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) These minimum lot requirements apply where both public water and public sewer are available. For lots not served by public water and public sewer, refer to Section 24.1-204.

(2) For dwelling units in excess of thirty-five feet (35’) in height, refer to Section 24.1-233.

Minimum district size: none

NOTE: Residential open space subdivision techniques may be used in this district. Performance standards and special use permit requirements or conditions may increase yard and lot requirements. See article IV.

(Ord. No. 14-12, 6/16/14)
Sec. 24.1-324. R13-High density single-family residential district

(a) Statement of intent. The R13 district is intended to provide opportunities for single-family residential development generally having a maximum density of 3.0 dwelling units per acre. High density single-family detached development can be expected to generate substantial demands on public services facilities and should be located where adequate public services, transportation facilities and commercial centers are available.

(b) Dimensional standards. Each lot created or used shall be subject to the following dimensional standards:

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements(1)</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Width Front Side Rear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Detached Dwellings</td>
<td>13,500 sq. ft. 1,250m² 90' 27m 30' 12.5' 25' 35'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Permitted &amp; Special Uses</td>
<td>13,500 sq. ft. 1,250m² 90' 27m 30' 12.5' 25' 35'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) These minimum lot requirements apply where both public water and public sewer are available. For lots not served by public water and/or public sewer, refer to Section 24.1-204.

(2) Side yard may be adjusted to fit lots provided that no side yard shall be less than ten feet (10') and that the total of the two side yards on the same lot is no less than twenty-five feet (25').

Sec. 24.1-325. R7-Single-family manufactured home subdivision district.

(a) Statement of intent. The R7 district is intended for application as a high density single-family residential zoning district in those areas designated as such by the comprehensive plan. Under certain circumstances the district could be applied to areas designated for multi-family residential uses by the comprehensive plan. The district is designed to provide opportunities for the placement of manufactured homes on individual lots in a subdivision arrangement in an effort to encourage the provision of more affordable housing opportunities which are consistent with the needs and means of lower income households.

(b) Dimensional standards. Each lot created or used shall be subject to the following dimensional standards:
R7-SINGLE-FAMILY MANUFACTURED HOME SUBDIVISION DISTRICT

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements(1)</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Width Front Side Rear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Homes</td>
<td>7,500 sq. ft. 70’ 30’ 10’ 20’ 35’</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>700m² 21m 9m 3m 6m 10.5m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Permitted and Special Uses</td>
<td>20,000 sq. ft. 100’ 30’ 10’ 25’ 35’</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1850m² 30m 9m 3m 7.5m 10.5m</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(1) These minimum lot requirements apply where both public water and public sewer are available. The R7 district may not be applied to areas without both public water and public sewer.
(2) Whenever any lot in an R7 district abuts any land in any other residential zoning district the following yard requirements shall be observed for that portion of the lot which abuts the other residential district:
· Side Yard: Forty feet (40’); provided, however, accessory buildings may be located not less than fifteen feet (15’) from the side lot line.
· Rear Yard: Forty feet (40’), provided, however, accessory buildings may be located not less than twenty-five feet (25’) from the rear lot line.

Minimum district size: 5 acres [2ha]

NOTE:
Performance standards and special use permit requirements or conditions may increase yard and lot requirement. See article IV.

Sec. 24.1-326. RMF-Multi-family residential district.

(a) Statement of intent. The RMF district is intended for application in those areas designated for multi-family/general residential development by the comprehensive plan. In accordance with direction provided by the plan, this district is designed to provide opportunities for higher density living arrangements with an orientation toward the rental market but not to the exclusion of single-family attached, owner-occupied housing types. As a high density development, this district can be expected to generate very intensive demands on public services and facilities and should be located accordingly. However, senior housing, which is permitted by special use permit, can be expected to generate lesser demands on most public facilities and services than would otherwise be the case on a per-unit basis for traditional general market multi-family development. Therefore, as set out in section 24.1-411, opportunities are provided for the Board of Supervisors to authorize, on a case-by-case basis, the development of such senior housing projects at a higher density level than that applicable to general market multi-family residential development.

(b) Dimensional standards. Each lot created or used shall be subject to the following dimensional standards:

<table>
<thead>
<tr>
<th>USE CLASSIFICATIONS</th>
<th>MAXIMUM DENSITY</th>
<th>MINIMUM LOT REQUIREMENTS(2)</th>
<th>MINIMUM YARD REQUIREMENTS</th>
<th>MAXIMUM BUILDING HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>· Multi-Family Dwellings</td>
<td>10 units per acre 25 du/ha</td>
<td>--- --- 50’ 25’ 50’ 45’</td>
<td>15m 7.5m 15m 13.5m</td>
<td></td>
</tr>
<tr>
<td>· Single-Family Attached Dwellings</td>
<td>1,800 sq. ft. 175m²</td>
<td>20’ 6m 20’ 6m 10’ 4.5m 15’ 10.5m</td>
<td>35’ 4.5m</td>
<td></td>
</tr>
<tr>
<td>Other Permitted Uses</td>
<td>--- 1 acre 4000m²</td>
<td>150’ 45m 50’ 15m 25’ 15m</td>
<td>50’ 45’</td>
<td>45’</td>
</tr>
<tr>
<td>Special Uses:</td>
<td>--- 1 acre 4000m²</td>
<td>150’ 45m 50’ 15m 25’ 15m</td>
<td>50’ 45’</td>
<td>45’</td>
</tr>
</tbody>
</table>
(1) Minimum Lot Requirements are dependent on the availability of public water and sewer. For lots not served by public water and sewer, refer to section 24.1-204.
(2) Where units are arranged with frontage on a public street, the minimum front yard setback shall be thirty feet (30’).
(3) Yards required only adjacent to non-common walls of attached units.

Minimum district size: 5 acres [2ha]

NOTE:
Performance standards and special use permit requirements or conditions may increase the yard and lot Requirements. See article IV.

(Ord. No. 03-25, 6/17/03)
Sec. 24.1-327. YVA-Yorktown village activity district.

(a) Statement of intent. The YVA district is intended to:

1. Recognize Yorktown which, because of its national and international significance, its unique development history and the interrelatedness of historic, residential and commercial land uses, warrants the application of a special approach to further development; and

2. Recognize and implement the Yorktown Master Plan as an overall guide to the future redevelopment of Yorktown; and

3. Provide development opportunities for a variety of land uses which will contribute to and complement the unique character and village atmosphere of Yorktown; and

4. Promote economical and efficient land use, an improved level of amenities, innovative design, and unified development; and

5. Encourage pedestrian and bicycle-scale development in Yorktown and make the community more amenable to pedestrians and bicyclists.

(b) Special procedural requirements.

1. The use of any land or building within the YVA district on the date of the inclusion of such property in the district may either continue to be used for its then existing purpose or may thereafter be changed, but only in accordance with all applicable regulations, to accommodate any of the land uses listed in section 24.1-327(c), any provisions of article VIII, Nonconforming Uses, of this chapter to the contrary notwithstanding.

2. Any proposed new use, other than single-family detached dwellings, or any subdivision of land, shall be approved only by the board of supervisors in accordance with the procedures for special use permits in section 24.1-115 of this chapter. Permitted land uses shall be those listed in section 24.1-327(c).

3. With the exception of single family detached dwellings, the proposed enlargement or extensions of any use in this district which would result in an increase of less than twenty-five percent (25%) in either total lot coverage or floor area may be authorized, without public hearing, by resolution of the board. Proposed enlargement or expansion of any use, other than a single-family detached dwelling, that would result in an increase of twenty-five percent (25%) or more in either total lot coverage or floor area shall be subject to approval in accordance with the procedures for special use permits.

4. Proposed changes in use of land, buildings or structures within the district may be approved by the zoning administrator upon a determination that the proposed new use is similar in type, size, scope and intensity to the previous use and that it is one of permitted uses listed in subsection (c) below. Where, in the opinion of the zoning administrator, such similarities do not exist, the proposal shall be subject to review and approval in accordance with the procedures for special use permits specified in section 24.1-115 of this chapter.

5. The construction of new single-family detached dwellings, or the enlargement of existing single-family detached dwellings, shall be permitted as a matter of right provided that the proposed location is not within one of the areas specifically designated for commercial development by the adopted Yorktown Master Plan and that the following setback and dimensional requirements are observed, and provided that all applicable requirements and procedures set out in the Yorktown Historic District Overlay (Section 24.1-377) are observed.

<table>
<thead>
<tr>
<th>Front Yard</th>
<th>Twenty-five feet (25')</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard</td>
<td>Ten feet (10'), five feet (5') for accessory buildings</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>Twenty feet (20'), five feet (5') for accessory buildings</td>
</tr>
<tr>
<td>Building Height</td>
<td>Thirty-five feet (35')</td>
</tr>
</tbody>
</table>
(6) Applications for approval of new single family detached residences, or additions to existing single family detached residences, which do not comply with the above noted minimum dimensional standards shall be referred to the Planning Commission and Board of Supervisors in accordance with the same procedures applicable to requests for special use permits.

(7) Any proposed subdivision of a lot or parcel in the YVA District shall be referred to the Planning Commission and Board of Supervisors for review and action in accordance with the same procedures applicable to requests for special use permits.

(c) Permitted uses. The following uses may be permitted within the YVA district subject to a determination by the zoning administrator or board, as prescribed in subsection (b) above, that the use in the location proposed is substantially in conformance with the Yorktown Master Plan:

(1) Dwellings, single-family detached, attached, or multi-family; also including structures designed to accommodate both residential and commercial uses.

(2) Churches and other places of worship.

(3) Office space for doctors, lawyers, accountants, architects or similar professions and general business offices such as those of insurance companies, trade associations, real estate companies, banks and financial institutions or similar establishments.

(4) Retail trade and business uses consistent with the character of the district and the surrounding area including such uses as:
   a. gift shops;
   b. sit-down restaurants; or
   c. specialty shops catering to the local and tourist market.

(5) Art galleries, museums, tourist centers, community centers, performing or cultural arts centers, libraries, and similar types of uses intended to promote cultural resources.

(6) Publicly owned uses such as offices, court houses, fire stations, parking facilities, parks, playgrounds, and schools.

(7) Guest houses, bed and breakfast establishments.

(8) Hotels, motels.

(9) Personal service uses consistent with the character of the district and the surrounding area including such uses as:
   a. beauty and barber shops;
   b. day care facilities; or
   c. drug stores.

(10) Recreationally oriented waterfront businesses and establishments providing covered or uncovered boat slips or dock space, minor repairs or servicing, marine fuel and lubricants, marine supplies, refreshments, and similar goods or services.

(11) Commercial parking facilities.

(12) Uses and structures which are customarily accessory and clearly incidental and subordinate to any of the uses specifically permitted above.

(d) General dimensional, density and design requirements. Other provisions of this chapter notwithstanding, development within the YVA district shall be subject to the following requirements:
(1) All development within the YVA district shall be served by public water and public sewer systems.

(2) There shall be no minimum lot size, minimum lot width or minimum lot frontage requirements within the YVA district provided, however, that in its approval of a proposed subdivision or land use, the board may establish such requirements as it deems necessary to ensure that the arrangement of the proposed use or division of land is compatible with the district in general.

(3) With the exception of the minimum requirements specified for single-family detached dwellings in section 24.1-327(b)(5), there shall be no minimum front, side or rear yard requirements for developments within the YVA district provided, however, that yards and setbacks of an appropriate dimension shall be provided where determined necessary by the board to ensure adequate emergency access, light, and air, to protect the value and utilization of the subject property and adjacent property, and to maintain and enhance the character of the surrounding area.

(4) The maximum residential density permitted in any development proposed in this district shall be ten (10) units per gross acre.

(5) Commercial and other non-residential uses permitted under the terms of this section shall be limited in lot coverage and floor area only to the extent that all such uses shall comply with the open space, height, fire separation, emergency access, and parking and loading requirements specified herein.

(6) With the exception of single-family detached dwellings which shall be limited to thirty-five feet (35’) in height, the height of any structure, including fixtures and mechanical systems, within the YVA district shall not exceed twenty-five feet (25’) above the average finished ground elevation adjacent to the front of such structure provided, however, that the board, in recognition of unique topographical features, may require a lower maximum height in order to preserve and protect existing scenic views or may authorize a greater height after an evaluation of the character of the surrounding area, the spatial relationships of existing developments, the specific architecture proposed and the potential impacts on any scenic views or vistas.

(e) Open space and recreational area requirements.

(1) A minimum of twenty-five percent (25%) of the total area of any development within the YVA District shall be reserved as landscaped open space or improved open air pedestrian plazas or courts unless a smaller percentage is approved by the board in consideration of special or unique characteristics of the proposed development.

(2) In the case of residential developments, recreation space, as defined below, shall be provided at a ratio of two hundred (200) square feet per dwelling unit unless a lesser amount is authorized by the board in consideration of circumstances unique to the particular development proposal. For the purposes of this section, recreation areas may include private patios, balconies or yard areas adjacent to individual dwelling units; or, common recreation space, either indoor or outdoor, which is available to all residents of the development.

(3) Any common open space and recreational areas provided to meet the requirement above shall be protected by appropriate covenants developed in accordance with the provisions established in article IV-division 17 that are designed to ensure their perpetuation and maintenance.

(f) Special submission requirements.

(1) At the time of application for approval of a development proposal within the YVA district, the developer shall submit the following plans. Where a proposed development is subject to review and approval by the Historic Yorktown Design Committee (HYDC) in accordance with the terms of section 24.1-377, the review and action of the HYDC, if applicable, shall be secured before submitting the proposal for YVA district review by the board of supervisors:
a. A plan for accommodating the pedestrian, bicycle, automobile, and trolley traffic, parking and loading demands which the development can be expected to generate. The plan shall be prepared by a transportation engineer, unless otherwise authorized by the zoning administrator, and shall be fully documented as to approach, methodology, and data collection, manipulation and analysis.

Such plan may include provisions for public or private off-site parking as well as on-site parking and shall include consideration of pedestrian, bicycle, and transit access. The zoning administrator or the board shall review the plan as to its suitability and feasibility for accommodating the traffic and parking demands of the proposed development.

Where the required parking spaces are proposed to be accommodated by an off-site or transit-oriented arrangement, an appropriate agreement between and among the involved parties and the county, suitable in form and content to the county attorney, shall be executed in order to provide a guarantee that such parking facilities will be available for the total period the use or uses for which the parking is required are reasonably expected to exist.

b. An overall signage plan, including rendered drawings, for the proposed development. Such plan shall provide for unified and appropriately scaled and located signage and shall have been developed in accordance with the dimensional requirements specified in the Yorktown Design Guidelines and shall have been reviewed by the HYDC.

c. A landscaping plan which specifies the type, size and location of landscaping proposed in conjunction with open space, recreation areas, courts/plazas, or other such amenities.

d. Elevations or architectural renderings as well as descriptions of materials or colors to be used in the proposed development, all of which shall have been reviewed by the HYDC.

(2) Such plans as required above, once approved, shall become part of the conditions of approval for the project and shall not be deviated from except upon specific approval of the board or the zoning administrator, depending upon which gave original approval.

(Ord No. O97-17, 6/4/97; Ord. No. O99-16, 12/1/99; Ord. No. 04-6, 4/6/04; Ord. No. 05-13(R), 5/17/05)


DIVISION 3. BUSINESS DISTRICTS

Sec. 24.1-330. Purpose of business districts.

The purpose of the business districts is to provide for the orderly development and rational classification of business and commercial land uses based on market orientation and service area characteristics. The districts are designed to provide opportunities for a wide variety of commercial and office activities serving the needs of neighborhoods, communities and regional markets as well as specific market groups. It is also the purpose of the business district regulations to protect the economic base of the county, promote the efficient use of commercial land areas and ensure the compatibility of business areas with other land uses and with the environment.

Sec. 24.1-331. NB-Neighborhood business district.

(a) Statement of intent. The NB district is intended to provide opportunities for limited types of commercial activities within or near residential districts and oriented primarily toward serving the day-to-day needs of nearby residential communities. The scope of commercial activities permitted is purposely limited in order to discourage substantial traffic from outside the immediate neighborhood. The NB district is intended for application in areas designated for neighborhood commercial development by the compre-
hensive plan. Because of the proximity to residences, particular attention is given to design and opera-
tional compatibility with homes.

(b) **Dimensional standards.** Each lot created or used shall be subject to the following dimensional stand-
ards:

<table>
<thead>
<tr>
<th>NB-NEIGHBORHOOD BUSINESS DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classification</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>All Permitted &amp; Special Uses</td>
</tr>
</tbody>
</table>

(1) These minimum lot requirements apply where both public water and public sewer are available. For lots not
served by public water and public sewer, refer to section 24.1-204.

Minimum district size: none

NOTE: Performance standards and special use permit requirements or conditions may increase yard and lot
requirements. See article IV.

(c) **Special requirements.**

1. Outdoor storage of goods or materials shall not be permitted.
2. Outdoor display of merchandise shall be limited to that merchandise which:
   a. is in working order and ready for sale;
   b. can be accommodated in the area immediately adjoining the front of the principal
      building and extending not more than ten feet (10') from it;

   No such display shall encroach upon any required parking or loading area or vehicu-
   lar circulation area. Outdoor displays of merchandise shall not cause injury or harm
to or reduce the viability of any required landscaping.

Sec. 24.1-332. LB-Limited business district.

(a) **Statement of intent.** The LB district is intended to provide opportunities for commercial activities
having a relatively low external impact, which can be acceptable in proximity to residential areas. The
activities envisioned for this district should be of a type that generally occur only during daylight hours,
have relatively low external impacts in terms of noise, light, and activity levels, and can be designed to
ensure their compatibility with surrounding land uses. The LB district is intended for application in are-
as designated for office/professional/research development by the comprehensive plan. Further, the
LB district is considered an appropriate transitional district between residential and more intense com-
mercial and industrial districts and, in that regard, the district may be appropriate in areas designated
for general commercial and tourist commercial uses which are in a particularly sensitive location adja-
cent to or between residential uses. Accordingly, as set out in section 24.1-411, opportunities are pro-
vided for consideration by special use permit of certain types of senior housing which may be appro-
priate on certain properties as transitional uses.

(b) **Dimensional standards.** Each lot created or used shall be subject to the following dimensional stand-
ards:

<table>
<thead>
<tr>
<th>LB - LIMITED BUSINESS DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classification</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
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(c) Special requirements.

(1) Outdoor storage of goods or materials shall not be permitted in any front or side yard areas. In rear yards, outdoor storage shall be allowed only in a fully buffered area which meets applicable setback requirements.

(2) Outdoor display of merchandise shall be permitted only within ten feet (10’) of the building and merchandise displayed must be in working order and immediately available for sale.

(3) Loading operations shall be conducted within a building or, if outdoors, shall be conducted at the side or rear of buildings and screened from general public view from public rights-of-way or adjoining properties of equal or lower use intensity by landscaping, fencing, or similar arrangements.

(4) In recognition of the potentially sensitive locations where the LB district may be located, the zoning administrator may require the submission of supplementary material in order to be satisfied that negative external impacts will not spill over onto adjacent properties. These may include, without limitation, noise and lighting analyses, architectural renderings, and standard operations plans for the business to be conducted.

(Ord. No. 03-25, 6/17/03)

Sec. 24.1-333. GB-General business district.

(a) Statement of intent. The GB district is intended to provide opportunities for a broad range of commercial activities. Many of these uses are characterized by the need for large amounts of outdoor display and storage of goods or materials, significant parking and loading space requirements, a dependency on truck traffic, and, in general, an activity level and aesthetic character which set them apart from the types of uses permitted in the lower intensity commercial districts. The GB district is intended for application in areas designated for general commercial and tourist commercial development by the comprehensive plan but with specific attention to the suitability of such areas and their surroundings for accommodating the demands and impacts of high intensity commercial development.

(b) Dimensional standards. Each lot created or used shall be subject to the following dimensional standards:

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Width Front Side Rear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Permitted &amp; Special Uses</td>
<td>20,000 sf 100’ 45’ 10’</td>
<td></td>
<td>50’</td>
</tr>
</tbody>
</table>

Minimum district size: none

NOTE: These minimum lot requirements apply where both public water and public sewer are available. For lots not served by public water and public sewer, refer to section 24.1-204. Performance standards and special use permit requirements or conditions may increase yard and lot requirements. See article IV.

(c) Special requirements.

(1) Outdoor storage of goods or materials shall not be permitted in front yards. In side and rear yards, outdoor storage shall be in a fully buffered area which meets all applicable setback requirements.
(2) Outdoor display of merchandise shall be limited to that merchandise which:

a. is in working order and ready for sale; and

b. is located in side or rear yards; or

c. if in front, can be accommodated in the area immediately adjoining the front of the principal building and extending not more than ten feet (10') from it except:

1. in the case of a permitted gasoline sales establishment, outdoor display can be accommodated on the pump islands;

2. in the case of permitted vehicle sales establishments, landscape nurseries and materially similar uses, outdoor display which does not encroach upon any required element on the site shall be permitted.

No such display shall encroach upon any required parking or loading area or vehicular circulation area. Outdoor displays of merchandise shall not cause injury or harm to or reduce the viability of any required landscaping.

(3) Other provisions of this ordinance notwithstanding, the use of trailers, as defined in section 24.1-104, for outdoor storage purposes in conjunction with a principal permitted use shall be permitted by special exception approved by the board of supervisors subsequent to conducting a duly advertised public hearing. Such activity shall be subject to the following standards and such others as the board may deem appropriate:

a. the use of trailers/cargo units shall be clearly accessory and incidental to the principal use of the property;

b. such trailer or cargo unit shall not be visible from any adjacent right-of-way and shall be screened from view from such rights-of-way and adjacent properties by a walled enclosure at least two (2) feet higher than the height of the tallest trailer/cargo unit with such wall being constructed of as an extension of the principal building;

c. the exterior finish of the enclosure wall shall match and/or complement the faces of the principal building with which it is aligned.

d. the wall shall incorporate articulations, pilasters, belt and/or header courses or other decorative treatments to break up any continuous linear expanse greater than twenty-five (25) feet in length.

e. Landscaping shall be placed around the perimeter of the enclosure in accordance with the building perimeter landscaping requirements specified by this chapter.

f. The above provisions notwithstanding, the zoning administrator may authorize the placement of such trailers/cargo units on a site without need for installation of the walled enclosure in situations where the trailers/cargo units are totally obscured from view from any public roadway or customer parking area by virtue of their placement behind a building or buildings on the site and when such units can be effectively screened from view from adjacent properties by buildings, fencing, landscaping, topography or distance.

(Ord. No. 05-13(R), 5/17/05; Ord. No. 10-24, 12/21/10)

Sec. 24.1-334. WCI-Water-oriented commercial/industrial district.

(a) **Statement of intent.** The WCI district is intended to provide opportunities for various types of activities oriented toward and requiring access to the water. The locational characteristics of such uses often dictate that they be within or in close proximity to residential areas or areas with limited vehicular accessibility. To that extent, the regulations established are designed to ensure an appropriate and compatible range of commercial and industrial activities. The WCI district is intended for application in areas designated for water-oriented commercial/industrial development by the comprehensive plan.
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(b) **Dimensional standards.** Each lot created or used shall be subject to the following dimensional standards:

### WCI-WATER-ORIENTED COMMERCIAL/INDUSTRIAL DISTRICT

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements(1)</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area</td>
<td>Width</td>
<td>Front</td>
</tr>
<tr>
<td>All Permitted &amp; Special Uses</td>
<td>1 acre</td>
<td>150'</td>
<td>45m</td>
</tr>
<tr>
<td></td>
<td>4000m²</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) These minimum lot requirements apply where both public water and public sewer are available. For lots not served by public water and public sewer, refer to section 24.1-204.

(2) Yards are not required for uses requiring locations immediately adjacent to or above the water.

Minimum District Size – None

NOTE: Performance standards and special use permit requirements or conditions may increase yard and lot requirements. See article IV.

(c) **Special requirements.**

1. Outdoor display of goods or material shall be permitted in any yard area provided it does not encroach upon any required landscaping, vehicular circulation, parking or loading space, or interfere with sight triangles or distance.

2. Outdoor storage of goods or material shall be permitted in rear yards only and only if it does not encroach on any other required element on the site.


DIVISION 4. ECONOMIC OPPORTUNITY DISTRICT

Sec. 24.1-340. **EO-Economic opportunity district.**

(a) **Statement of intent.** The EO district is intended to guide a mix of commercial, tourist-related, and limited industrial uses to certain portions of the county identified in the comprehensive plan that have or are projected to have the access and infrastructure necessary to support both capital and employment intensive uses. Development in these locations is expected to be in keeping with that of the surrounding development and sensitive to the natural environment.

(b) **Dimensional standards.** Each lot created or used shall be subject to the following dimensional standards:

### EO-ECONOMIC OPPORTUNITY DISTRICT

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area</td>
<td>Width</td>
<td>Front</td>
</tr>
<tr>
<td>All Permitted &amp; Special Uses</td>
<td>20,000 sf</td>
<td>100'</td>
<td>45'</td>
</tr>
<tr>
<td></td>
<td>1850m²</td>
<td>30m</td>
<td>12.5m</td>
</tr>
</tbody>
</table>

Minimum District Size: None

NOTE: These minimum lot requirements apply where both public water and public sewer are available. For lots not served by public water and public sewer, refer to section 24.1-204.

Performance standards and special use permit requirements or conditions may increase yard and lot requirements. See article IV.

(c) **Special requirements.**
(1) Outdoor storage of goods or materials shall:
   a. not be permitted in any front yards;
   b. not encroach upon any required landscaping;
   c. not encroach upon any required parking or loading zoning space;
   d. be screened from public rights-of-way or adjoining properties which are zoned or used less intensively.

(2) Outdoor display of merchandise shall be permitted in any yard area provided that such display:
   a. shall not encroach upon any required perimeter infiltration yards adjoining a lot line;
   b. shall not encroach upon any required parking or loading space;
   c. when located in any front yard, shall be limited to that merchandise which is in working order and ready for sale; and
   d. shall not cause injury or harm or reduce the viability of any required landscaping.

(3) All uses shall be conducted so as not to produce hazardous, objectionable or offensive conditions at or beyond property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid and liquid wastes, fire or explosion.

(4) Other provisions of this ordinance notwithstanding, the use of trailers, as defined in section 24.1-104, for outdoor storage purposes in conjunction with a principal permitted use shall be permitted by special exception approved by the board of supervisors subsequent to conducting a duly advertised public hearing. Such activity shall be subject to the following standards and such others as the board may deem appropriate:
   a. the use of trailers/cargo units shall be clearly accessory and incidental to the principal use of the property.
   b. such trailer or cargo unit shall not be visible from any adjacent right-of-way and shall be screened from view from such rights-of-way and adjacent properties by a walled enclosure at least two (2) feet higher than the height of the tallest trailer/cargo unit with such wall being constructed of as an extension of the principal building.
   c. the exterior finish of the enclosure wall shall match and/or complement the faces of the principal building with which it is aligned.
   d. the wall shall incorporate articulations, pilasters, belt and/or header courses or other decorative treatments to break up any continuous linear expanse greater than twenty-five (25) feet in length.
   e. Landscaping shall be placed around the perimeter of the enclosure in accordance with the building perimeter landscaping requirements specified by this chapter.
   f. The above provisions notwithstanding, the zoning administrator may authorize the placement of such trailers/cargo units on a site without need for installation of the walled enclosure in situations where the trailers/cargo units are totally obscured from view from any public roadway or customer parking area by virtue of their placement behind a building or buildings on the site and when such units can be effectively screened from view from adjacent properties by buildings, fencing, landscaping, topography or distance.

(Ord. No. 05-13(R), 5/17/05; Ord. No. 10-24, 12/21/10)


DIVISION 5. INDUSTRIAL DISTRICTS

Sec. 24.1-350. Purpose of industrial districts.
The industrial districts established by this ordinance are designed to provide opportunities for a variety of industrial uses that will serve to expand employment opportunities and contribute positively to county resources. The districts are designed to provide for an orderly classification of various types of industrial establishments based on operational characteristics, space needs, transportation needs, compatibility with the natural and built environment, and similar factors.

Sec. 24.1-351. IL-Limited industrial district.

(a) Statement of intent. The IL district is intended to provide opportunities for a wide variety of light manufacturing, fabricating, assembling, processing, wholesale distributing, and warehousing uses in areas designated for limited industrial development by the comprehensive plan. In order to preserve land for these industrial activities, to reduce extraneous traffic, and to avoid future conflicts between industry and other uses, permitted commercial activities are limited primarily to business and industrial parks and to those activities which will be useful to employees in the district and compatible with and complementary to the permitted types of industrial activities.

(b) Dimensional standards. Each lot created or used shall be subject to the following dimensional standards:

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Lot Requirements(1)</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Width Front</td>
<td>Side Rear</td>
<td></td>
</tr>
<tr>
<td>All Permitted &amp; Special Uses</td>
<td>20,000 sf 100'</td>
<td>45' 10' 10' 60'</td>
<td></td>
</tr>
</tbody>
</table>

(1) These minimum lot requirements apply where both public water and public sewer are available. For lots not served by public water and public sewer, refer to section 24.1-204.

Minimum district size: none

NOTE: Performance standards and special use permit requirements or conditions may increase yard and lot requirements. See article IV.

(c) Special requirements.

(1) Outdoor storage of goods or materials shall:
   a. not be permitted in any front yard area;
   b. not encroach upon any required landscaping;
   c. not encroach upon any required parking or loading space;
   d. be screened from public rights-of-way or adjoining properties which are not zoned or used for industrial purposes.

(2) Outdoor display of merchandise shall be permitted in any yard area provided that such display:
   a. shall not encroach upon any required perimeter infiltration yards adjoining a lot line;
   b. shall not encroach upon any required parking or loading space;
   c. when located in any front yard, shall be limited to that merchandise which is in working order and ready for sale; and
   d. shall not cause injury or harm or reduce the viability of any required landscaping.
(3) Other provisions of this ordinance notwithstanding, the use of trailers, as defined in section 24.1-104, for outdoor storage purposes in conjunction with a principal permitted use shall be permitted provided that such use shall be clearly accessory and incidental to the principal use of the property and that such trailer or cargo unit shall not be visible from any adjacent right-of-way and shall be screened from view from adjacent properties by fencing and/or landscaping.

(Ord. No. 05-13(R), 5/17/05)

Sec. 24.1-352. IG-General industrial district.

(a) Statement of intent.

The IG district is intended to provide opportunities for a wide variety of industrial activities whose operations and characteristics may necessarily involve levels of odor, noise, vibration, traffic and other conditions having the potential to adversely impact surrounding land uses. In order to preserve land for these industrial activities, to reduce extraneous traffic, and to avoid future conflicts between industry and other permitted uses, commercial activities are limited primarily to business and industrial parks and to those uses which are compatible with and complementary to the permitted types of industrial activities.

(b) Dimensional standards.

Each lot created or used shall be subject to the following dimensional standards:

<table>
<thead>
<tr>
<th>IG-GENERAL INDUSTRIAL DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classification</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>All Permitted &amp; Special Uses</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

(1) These minimum lot requirements apply where both public water and public sewer are available. For lots not served by public water and public sewer, refer to section 24.1-204.

Minimum district size: none

NOTE: Performance standards and special use permit requirements or conditions may increase yard and lot requirements. See article IV.

(c) Special requirements.

(1) Outdoor storage of goods or materials shall not:
   a. encroach upon any required landscaping;
   b. encroach upon any required parking or loading spaces.

(2) Outdoor display of merchandise shall be permitted in any yard area provided that such display:
   a. shall not encroach upon any required perimeter infiltration yards adjoining a lot line;
   b. shall not encroach upon any required parking or loading space;
   c. when located in any front yard, shall be limited to that merchandise which is in working order and ready for sale;
   d. shall not cause injury or harm or reduce viability of any required landscaping.
(3) All uses shall be conducted so as not to produce hazardous, objectionable or offensive conditions at or beyond property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, or noise, vibration, heat, glare, solid or liquid wastes, fire or explosion.

(4) Service drives or other areas shall be provided for off-street loading in such a way that, in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for circulation.

(5) Other provisions of this ordinance notwithstanding, the use of trailers, as defined in section 24.1-104, for storage purposes in conjunction with a principal permitted use shall be permitted provided that such use shall be clearly accessory and incidental to the principal use of the property and that such trailer shall not be visible from any adjacent right-of-way.


DIVISION 6. PLANNED DEVELOPMENT DISTRICT

Sec. 24.1-360. Purpose of planned development districts.

The purpose of the planned development districts established by this chapter is to encourage a more efficient use of land and public services by allowing a more flexible means of development than is otherwise possible under typical lot-by-lot or cluster zoning restrictions. Further, this district provides opportunities for development which reduces land consumption, reduces the amount of land devoted to streets and other impervious surfaces, provides increased amounts of open space and recreational amenities, and encourages creativity and innovation in design, all of which could serve to enhance the quality of life and to reduce the tax burden on the citizens of the county. The planned development districts provide flexibility both in design and use parameters. Two types of Planned Development Districts are available: the PDR – Planned Development – Residential district and the PDMU – Planned Development – Mixed Use district.

(Ord. No. 07-7, 5/15/07)

Sec. 24.1-361. PDR-Planned development – residential district.

(a) Statement of intent. The PD – Residential district is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for a variety of compatible land uses. Specifically, the district is intended to:

(1) ensure ample provision and efficient use of open space;

(2) promote high standards in the layout, design and construction of development;

(3) promote development of superior projects or communities; and

(4) achieve a mixture of uses and types of uses when appropriate.

In addition, in accordance with the objective of the board to promote and encourage a more moderately-priced single-family detached housing product within the county, the planned development – residential district is intended to provide opportunities, through application of the affordable housing incentive provisions set forth herein, for the consideration of project proposals having a less extensive open space, recreation space, and amenities package, but which offer cost-containment measures which may not be otherwise available.

(b) Application of district designation. A PDR district may be located within any of the areas of the county designated for residential uses by the comprehensive plan subject to establishment in accordance with the procedures set forth in this section. In addition, PDR applications proposing senior housing, exclusively, may be considered in areas designated for commercial uses by the comprehensive plan.
(c) Permitted land uses. The land uses within any planned development shall be substantially in accordance with the land use designation in the comprehensive plan. Subject to specific authorization by the board, the following land uses shall be permitted:

1. Dwellings: single-family detached, attached, or multi-family including mixtures thereof.

2. Senior Housing, as defined in this chapter (i.e., Independent Living, Congregate Care, Assisted Living, or Continuing Care Retirement Communities) and in accordance with the performance standards established in Section 24.1-411 unless specifically modified by the board at the time of approval of the proposed development.

3. Public and semi-public uses such as churches, schools, offices, libraries, fire stations, parks, playgrounds, golf courses, swimming pools, tennis courts, recreational marinas, community centers, and similar types of uses.

4. Commercial and retail uses which are designed, located and scaled in proportion to the overall size of the planned development and located so as to be internally-oriented. Unless otherwise authorized by the board of supervisors at the time of PDR approval, commercial uses shall be limited to those allowed either as a matter of right or by special use permit in the NB and LB zoning districts. Any use indicated in the NB or LB district as requiring a Special Use Permit shall require the same in a PDR district unless the use is specifically authorized in the initial PDR approval.

5. Uses and structures which are customarily accessory and clearly incidental and subordinate to any of the uses permitted above.

(d) General dimensional, density and design requirements.

1. All development within the PDR district shall be served by public water and public sewer systems.

2. The minimum area of any tract, or combination of contiguous tracts, of land proposed for development as a PDR shall be five (5) acres. Additional adjoining acreage may be added to an approved PDR provided that all procedures applicable to the creation of such a district are observed.

3. The maximum development density for a PDR development shall be generally consistent with the density envisioned by the adopted comprehensive plan for the area in which located. The board may, however, approve density increases as a part of the PDR approval and, in the case of Senior Housing developments, may consider density allowances of up to twenty (20) units per acre.

4. The following dimensional standards shall be observed unless specifically modified by the board (either upwards or downwards) at the time of district approval:

   a. Minimum lot area: none

   b. Minimum lot width:
      1. single-family detached: forty-five feet (45’)
      2. single-family attached: twenty feet (20’)
      3. non-residential: seventy feet (70’)

   c. Minimum yard requirements:
      1. The minimum distance between any two principal buildings or structures shall be twenty feet (20’), except in senior housing developments where it shall be thirty (30) feet;
      2. The minimum distance between any principal building and an accessory building, or between any two accessory buildings, shall be ten feet (10’).
3. The minimum distance between any principal or accessory building and any public or private street right-of-way or common area boundary line shall be thirty feet (30').

4. The minimum setback from any external property line shall be twenty feet (20').

d. Maximum building height:
1. Residential structures shall not exceed forty feet (40').
2. Non-residential structures shall not exceed fifty feet (50').

(5) The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to the existing or prospective development of the neighborhood.

(e) Open space and recreation area requirements.

(1) Unless specifically excepted in accordance with the criteria established in section 24.1-361, a minimum of twenty-five percent (25%) of the total gross area of any PDR development shall be reserved as open space designed and improved or maintained for use by those who live or work within the development or other persons or groups as the property owners association may allow. Golf courses may be counted as open space for the purpose of meeting this requirement up to a maximum of thirty percent (30%) of the required residential area open space.

(2) Unless specifically excepted in accordance with the criteria established in section 24.1-361(g), an area equal to a minimum of ten percent (10%) of the total gross area of the residential portions of any PDR development shall be reserved and developed specifically as a recreation area, or areas, set aside for the common use of the residents of the planned development. The required recreation space shall be considered part of the twenty-five percent (25%) open space reservation required in subsection (e)(1), above.

(3) Unless otherwise excepted by the board, recreation areas shall be provided in accordance with the following standards and such others as the board deems appropriate:

a. The recreation area reserved shall be in one centrally located contiguous parcel and be suitable to accommodate a combination of active and passive recreational activities appropriate for the residents of the development. However, depending upon the size and scope of the development, recreation areas may be set aside in two or more parcels in order to improve the accessibility of such recreation areas from all housing units in the development.

b. The recreation area shall be easily and safely accessible by pedestrians and bicyclists from all areas of the development to be served, shall have good ingress and egress, including separate pedestrian and bicycle accommodations, and shall have adequate frontage on a platted road; however, no platted road shall traverse the recreation area.

c. The recreation area reserved shall be located so that essential utilities including water, public sewage, and power will be easily accessible to serve planned and potential future recreational facility development.

d. The recreation area shall be free of fuel, power, or other transmission lines and rights-of-way.

e. At a minimum and unless the market orientation (as evidenced by restrictive covenants or other document deemed sufficient by the board) clearly dictates otherwise, the following "core recreation facilities" shall be constructed:

1. Swimming pool: to be configured to permit both recreational and competitive (25 or 50 meters in length, minimum depth of 1.25 meters in lanes) swimming with associated restroom facilities, deck area, and adjacent fenced-in grassy open space usable for sunbathing, volleyball, etc. The minimum size
of the required swimming pool shall be related to the number of dwelling units in the development proposal as set forth in the table below:

<table>
<thead>
<tr>
<th>DWELLING UNITS</th>
<th>WATER SURFACE AREA</th>
<th>FENCED-IN GRASSY OPEN SPACE</th>
<th>PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>200-399</td>
<td>3,500 ft²</td>
<td>17,500 ft²</td>
<td>30</td>
</tr>
<tr>
<td>400-599</td>
<td>4,000 ft²</td>
<td>22,500 ft²</td>
<td>35</td>
</tr>
<tr>
<td>600-799</td>
<td>4,500 ft²</td>
<td>27,500 ft²</td>
<td>40</td>
</tr>
<tr>
<td>800-999</td>
<td>5,000 ft²</td>
<td>32,500 ft²</td>
<td>45</td>
</tr>
<tr>
<td>1,000+</td>
<td>5,000 ft² plus 5 ft²/dwelling unit in excess of 999</td>
<td>32,500 ft² plus 30 ft²/dwelling unit in excess of 999</td>
<td>45 plus 1 space/15 dwelling units in excess of 999</td>
</tr>
</tbody>
</table>

2. **Tennis courts**: two (2), all-weather hard surface, fenced and color coated.

3. **Playground and picnic facility**: combined facility

4. **Multi-purpose activity field**: open grassy area, minimum one (1) acre, generally rectangular in shape, graded on a true plane at one to two percent (1-2%)

5. **Pedestrian and bicycle facilities** which provide safe and convenient circulation to the recreation area from throughout the community and including appropriate bicycle parking accommodations.

f. Other recreational facilities offering the same or greater recreational and fitness value may be proposed in lieu of the above.

g. In approving a PD, the board may require that additional facilities be provided for the residents of the community.

(4) With approval of the board, the minimum amount of land required for recreation area may be reduced in order to compensate for reservation of waterfront property which has added recreational value, provided, however, that the recreational value of the waterfront property must, in the opinion of the board, be at least equal to the recreational value of non-waterfront land (meeting all of the above standards) which could have otherwise been set aside for a recreation area. In this regard, recreation acreage reduction is not to be granted based on the size or value of the water body, but on the recreational value of the waterfront property itself. No more than a twenty-five percent (25%) reduction may be granted for waterfront property.

(5) Common open space (including the recreation area) as required above shall be protected by appropriate restrictions or other methods, developed in accordance with the provisions established in article IV-division 17 of this chapter, and designed to ensure perpetuation and maintenance.

(f) **Special design requirements.**

(1) To the extent that streets are private rather than public, the developer shall submit assurances satisfactory to the board that a properly constituted property owners association will be responsible for the perpetuation and maintenance of such streets. Such assurances shall be developed in accordance with the provisions of article IV-division 17 of this chapter.

(2) Private streets shall be designed and constructed in accordance with the criteria prescribed by the Virginia Department of Transportation for the particular functional classification of the street, or, in the event the developer proposes an alternate design, to such other specifications as are approved for use by the board in consideration of the anticipated function and character of such street.

(3) The entire development shall be served by safe and convenient pedestrian and bicycle facilities which form a logical circulation system and have connections to planned, or anticipated facilities outside the development.
(4) The board may impose such other conditions as it deems necessary on any development proposed under the terms of this section in recognition of any unique circumstances surrounding the particular proposal or the area in which it is proposed, and in order to ensure the protection of the health, safety and general welfare of the public and the preservation of property values.

(g) **Affordable housing incentive provisions.** In recognition of the objectives established in the comprehensive plan with respect to promotion and encouragement of a more moderately-priced single-family housing product, the following standards and criteria, to be known as the "Affordable Housing Incentive Provisions," are hereby established:

(1) Where a developer proposes the construction of a planned development project, all or a portion of which will consist primarily of detached dwelling units approved by the board in recognition of their potential for price moderation (i.e., below market average prices) such project may be submitted for consideration by the commission and the board in accordance with the following minimum design criteria, notwithstanding any provisions to the contrary set forth elsewhere in the PDR regulations:

a. Where the individual residential lots within a planned development are proposed to be at least seven thousand five hundred (7,500) square feet in area, the twenty-five percent (25%) common open space and recreation space ratio otherwise required herein may be reduced or eliminated upon recommendation of the commission and subject to approval by the board. Where individual lots are proposed to consist of less than seven thousand five hundred (7,500) square feet in area, common open space and recreation space shall be provided within the development at a minimum ratio of four hundred (400) square feet per lot.

b. Where required common open space is reduced or eliminated by virtue of all the lots being at least seven thousand five hundred (7,500) square feet in area, as permitted above, there shall be no requirement for reservation and development of specifically designated recreation space.

c. Where common open space is required to be provided, a minimum of two hundred (200) square feet per lot shall be contained in a designated recreation space designed generally in accordance with the terms of section 24.1-361(e)(3), however, the specific requirements for core facilities shall be waived.

(2) In accordance with the affordability objective of these provisions, the maximum floor area of single-family detached dwelling units proposed for construction shall not exceed one thousand two hundred (1,200) square feet of living space unless, however, the board specifically approves a greater maximum floor area in recognition of evidence of equivalent price-containment features or characteristics. This maximum living space floor area standard shall not be deemed to preclude future owner-initiated improvements or additions provided that such additions are constructed in accordance with all applicable minimum yard and setback requirements. For the purposes of this section, garages shall not be considered as finished living space.

(3) The maximum ratio of living space floor area to lot area for housing units proposed under these affordable housing provisions shall be sixteen percent (16%) unless a greater ratio is specifically authorized by the board of supervisors.

(4) The developer's intent to limit the project to more affordable, as determined by the board, single-family detached dwelling units, or such other dwelling units as may be approved by the board, shall be evidenced by submission of proposed restrictive covenants to that effect at the time of application for approval of a project in accordance with the affordable housing incentive provisions. Such covenants shall be approved by the board after having been reviewed and approved by the county attorney with respect to form. Such covenants shall be recorded at the time of final plat recordation.

(5) All developments constructed under these provisions shall be served by public streets and utilities.

(6) The entire development shall be served by safe and convenient pedestrian and bicycle facilities forming a logical circulation system and shall be designed to accommodate public transit.
buses and other public transportation conveyances as may be deemed appropriate by the board.

(h) **Standards for nonresidential uses within the PDR district.**

(1) In reviewing the nonresidential portions of a PDR, the board shall determine that those sections have been designed to promote harmonious relationships with surrounding, adjacent, and nearby properties, especially those external to the PDS. To this end, special consideration should be given to landscaping and buffering which promotes a park-like character.

(2) Nonresidential portions of a PDR which are located adjacent to property external to the development shall have a Transitional Buffer established along the external property line based on the uses to be established thereon. This shall be based on the least intensive zoning district in which the subject use is permitted as a matter of right. At a minimum, a landscaped infiltration yard shall be established along the external property line. The infiltration yard shall be no less than twenty feet (20') in width if adjacent to a street right-of-way or ten feet (10') in width elsewhere.

(3) In general, the design standards of the LB district shall be utilized for nonresidential portions of a PDR where the underlying land use designation in the comprehensive plan is residential or conservation. The board shall evaluate the appropriateness of those design standards at the time of approval of a PDR and may modify or supplement them as deemed appropriate.

(4) To promote a park-like character within the nonresidential portions of the development, particular care should be taken to organize the landscaping plan to maximize the visual effects of green spaces. Appropriate means shall be used to screen surrounding residential areas from undesirable views into the commercial portions of the development park and, conversely, to screen development within the PDR from any undesirable external exposures. In particular, all service and loading areas shall be screened from view from public streets and, insofar as reasonably possible, parking areas for more than ten (10) automobiles shall be similarly screened from view by landscaping, decorative fencing, walls, berms, or relation to buildings.

(5) The circulation system and building orientation shall be designed to emphasize and facilitate the pedestrian, bicycle, and transit modes of transportation.

(6) The board may impose such other conditions as it deems necessary under the terms of the section in recognition of the unique circumstances surrounding the particular proposal or the area in which it is proposed, and in order to ensure the protection of the health, safety, and general welfare of the public and the preservation of property values.

(Ord. No. 03-25, 6/17/03; Ord. No. 05-13(R), 5/17/05; Ord. No. 07-7, 5/15/07)

**Sec. 24.1-361.1. PDMU – Planned development mixed use district**

(a) **Statement of intent** – the purpose of the PDMU district is to provide opportunities for developments containing an integrated, comprehensively planned and designed mix of business, retail, cultural, residential and other appropriate uses. Mixed-use development proposals should address the following objectives:

- Provide more efficient use of land through the accommodation of increased densities and intensities of use within a concentrated area;
- Create a walkable, pedestrian-friendly environment that increases community vitality;
- Reduce vehicular trips and reliance on the automobile by providing a mix of shopping, office, cultural, recreational and residential opportunities within walking distance of one another;
- Include an internal “main street” (or streets) along which commercial opportunities are oriented to a streetside sidewalk rather than a parking field, thus preventing the automobile from dominating the project while enhancing the pedestrian experience;
- Create an appropriately balanced mix of residential and non-residential uses that respects the underlying policies land use designations of the Comprehensive Plan;
• Provide alternative housing choices and opportunities
• Create a “landmark” place through the application of superior design elements and a common or complementary design theme;

(b) Application of district designation. A PDMU district may be located within any of the areas of the county identified for mixed-use development by the comprehensive plan, subject to establishment in accordance with the procedures set forth in this section. Such areas are identified generally by designations on the comprehensive plan maps and their boundaries are not absolute or property line specific.

(c) Permitted land uses. Subject to specific authorization by the board, the following land uses shall be permitted within a PDMU district development:

(1) Commercial uses shall be limited to those allowed either as a matter of right or by special use permit in the NB, LB and GB zoning districts, with the exception of those uses listed below, which shall be prohibited. Any use indicated in the NB, LB or GB district as requiring a Special Use Permit shall require the same in a PDMU district unless the use is specifically authorized in the initial PDMU approval. The following uses shall be prohibited in a PDMU:

a. Plant Nursery/Greenhouse
b. Correctional facility
c. Firing range/indoor
d. Golf driving range
e. Campgrounds
f. Lumberyard/building materials
g. Auto parts/accessories
h. Second hand/used merchandise w/ outside display or storage
i. Storage shed/utility building sales/display
j. Fortune teller/pawn shop/tattoo parlor
k. Small engine repair
l. Tools, household equipment, lawn and garden equipment rental
m. Car wash
n. Auto repair garage
o. Auto/truck sales, service, rental
p. Heavy truck sales, service, rental
q. Farm equipment sales, service, rental
r. Manufactured home sales, service, rental
s. Boat sales, service, rental
t. Heliport
u. RV storage facility
v. Wholesale auction establishment
w. Warehousing
x. Wholesale trade establishment
y. Mini-storage warehouses
z. Contractor’s shops
aa. Machine shops/fabricators
bb. Window and auto glass sales/installation
cc. Recycling center

(2) Dwellings: single-family detached, attached, or multi-family including mixtures thereof. Unless specifically excepted by the board of supervisors based on a superior design proposal, not more than 25% of the total number of dwelling units shall be single-family detached. Unless specifically excepted by the board of supervisors based on a superior design proposal, at least 40% of the dwelling units shall be located in buildings that have ground-floor, pedestrian-oriented commercial, office or civic space. In order to ensure diversity in the demographic characteristics of the mixed-use project, not more than 20% of the dwelling units may be restricted as senior housing.
(3) Uses and structures which are customarily accessory and clearly incidental and subordinate to any of the permitted principal uses.

(d) General dimensional, density and design requirements.

(1) All development within the PDMU district shall be served by public water and public sewer systems.

(2) The minimum area of any tract, or combination of contiguous tracts, of land proposed for development as a PDMU project shall be as follows:

Minor PDMU – ten (10) acres.

Major PDMU – fifty (50) acres;

Additional adjoining acreage may be added to an approved PDMU development provided that all procedures applicable to the creation of such a district are observed.

(3) The intensity and density of development within a PDMU project shall be consistent with the following standards, unless specifically modified by the board of supervisors at the time of district approval:

Minors PDMU

Minimum amount of commercial/office/civic/institutional (i.e. non-residential) floor area:

Shall be determined on a case-by-case basis in consideration of the character of the property and its surroundings, the suitability and potential of the property for intensive commercial use if not developed as a mixed-use project, and such other factors as the board of supervisors deems appropriate. As a guideline, project proposals should be developed with the objective of providing at least 1,000 square feet of non-residential floor area per acre of developable land.

Maximum number of dwelling units:

Shall be determined on a case-by-case basis in consideration of the character of the property and its surroundings, the anticipated fiscal and service impact of the project, and such other factors as the board of supervisors deems appropriate. As a guideline, project proposals should be developed with a residential density target not to exceed 10 dwelling units per acre of developable land.

Construction within the Minor PDMU development shall be sequenced in accordance with a project build-out schedule conceived by the project developer, submitted for review as a part of the initial application, and approved by the board of supervisors. The purpose of such development schedule shall be to provide assurance to the board of supervisors that the project will, in fact, include both the proposed non-residential and residential elements at certain project milestones and/or at build-out.

Major PDMU

Minimum amount of commercial/office/civic/institutional (i.e. non-residential) floor area:

Shall be determined on a case-by-case basis in consideration of the character of the property and its surroundings, the suitability and potential of the property for intensive commercial use if not developed as a mixed-use project, and such other factors as the board of supervisors deems appropriate. As a guideline, project proposals should be developed with the objective of providing at least 800 square feet of non-residential floor area per acre of developable land.

Maximum number of dwelling units:
Shall be determined on a case by case basis in consideration of the character of the property and its surroundings, the anticipated fiscal and service impact of the project, and such other factors as the board of supervisors deems appropriate. As a guideline, project proposals should be developed with a residential density target not to exceed one (1) dwelling unit for every 400 square feet of non-residential floor area.

Construction within the Major PDMU development shall be sequenced in accordance with a project build-out schedule conceived by the project developer, submitted for review as a part of the initial application, and approved by the board of supervisors. The purpose of such development schedule shall be to provide assurance to the board of supervisors that the project will, in fact, include both the proposed non-residential and residential elements at certain project milestones and/or at build-out. As a guideline, project proposals that adhere to the following sequencing requirements will be considered consistent with the objectives of the board of supervisors:

- Up to 20% of the residential units may be constructed prior to commencing any commercial construction; and
- Construction of the next 40% of the residential units shall be sequenced in conjunction with construction of at least 40% of the commercial space; and
- Prior to issuance of Building Permits for construction of the final 20% of the residential units at least 80% of the commercial space shall have been completed to the stage that it is ready for individual tenant fit-out and customization.

(4) The following dimensional standards shall be observed unless specifically modified by the board (either upwards or downwards) at the time of district approval:

a. Minimum lot area: none
b. Minimum lot width: none
c. Minimum yard requirements:
   1. The minimum setback from any external property line shall be twenty feet (20').
   2. The minimum setback from any external street (i.e., a street that pre-existed the development and that is not incorporated as part of the development) shall be fifty feet (50').
d. Setback requirements:
   1. Non-residential structures and all residential structures except single family detached dwellings and single family attached units with garages shall be constructed with a maximum front setback of ten feet (10') from any internal street right-of-way line or from the inside edge of a public sidewalk along a street, whichever is less. Any area between the building façade and the inside edge of a public sidewalk shall be improved with an enlarged pedestrian area, street furniture, landscaping or similar treatments to enhance the appearance of the streetscape.
   2. Single-family detached structures and single family attached structures with garages shall be constructed with a maximum front setback of twenty feet (20') from any internal street right-of-way line. Such area, except for paved driveways, shall be landscaped and shall not be used for vehicular parking.
e. Maximum building height:
1. Single-family detached and attached residential structures shall not exceed forty feet (40') in height.

2. Multi-family residential structures, or structures housing both residential and non-residential uses, shall not exceed four (4) stories in height.

3. Non-residential structures shall not exceed sixty feet (60') in height or the maximum height permitted by the pre-existing zoning classification, whichever is greater.

(e) Design and layout.

(1) The mixed-use development should be designed with a town center, village square, village green or other public space or central design element that provides a focal point around which the project is designed and oriented.

(2) Streets within the mixed-use development should be designed and oriented to create or complement the “town center” arrangement. Orientation of streets to promote views of or to lead one to or by natural features, public open spaces, significant buildings, etc. is also encouraged.

(3) Ground floor street/sidewalk frontage in the “town center/village square” area of a mixed-use development shall be predominantly retail. Mixtures of retail, office, civic, institutional and residential may occur on the ground floor along building faces that do not front on the “town center/village square.”

(4) Parking lots within the “town center/village square” area shall be located at the rear of buildings. Parallel or angled parking arrangements are acceptable along “town center/village square” streets provided that pedestrian accommodations, both parallel and crossing, are maintained.

(5) Non-residential building entrances should face the street, but may be located off passageways through or between buildings on the block provided the passageway entrance is clearly accessible and visible from the street.

(6) Walls, fences and landscaping shall be employed to improve the visual environment and to define street, pedestrian and public spaces edges. Such features shall also be used to conceal undesirable views into parking and service areas.

(f) Architectural considerations

(1) Buildings shall be designed to include appropriate architectural features and elements that minimize size and mass and that create a scale and character to complement the pedestrian orientation of the mixed-use development. Appropriate techniques include wall plane and roofline articulation, bays, balconies, porches, canopies, arcades, etc. The maximum total “bland wall” (i.e., without windows or entrances) may not exceed 30% of the total street-level facade.

(2) Buildings should be designed and oriented to have their narrow façade facing the street.

(3) Building materials and finishes shall be selected with an objective of achieving quality and durability. A proposed design guidelines manual and palette of building materials shall be presented with the application for PDMU approval and, subject to approval by the board of supervisors, shall serve as the architectural performance standards for the proposed development. Although no single architectural style or theme is mandated by the PDMU district, it is expected that the developer’s architectural performance standards will be sufficient to establish a distinct and quality character and image for the project.

(4) Buildings should have a varied character of traditionally shaped roofs. Gabled or hipped roofs are preferred. Flat roofs are acceptable if enhanced by parapets, cornices or other treatments.
(5) Building designs and finishes shall incorporate 360-degree architecture to ensure that a quality appearance is presented on all building faces visible to the public or to adjoining property owners.

(6) Pedestrian areas shall incorporate a variety of paving treatments such as colored or stamped concrete, stone or brick pavers, etc. to identify and visually enhance sidewalks, intersections and pedestrian crossings.

(7) Signs shall be permitted in accordance with the provisions applicable to LB-Limited Business zoning districts provided, however, that the application for PD approval shall include a comprehensive sign design standards/pattern guide. Such submission shall be subject to review and approval by the board in conjunction with action on the overall development concept.

(g) Open space and recreation area requirements.

(1) A minimum of ten percent (10%) of the total gross area of any PDMU development shall be reserved as open space designed and improved or maintained for use by those who live or work within the development or such other persons or groups as the property owners association may allow. Such space shall be arranged in one or more centrally-located green space areas, a central “town square” or similar areas that serve as both visual and activity focal points for the development.

(2) One or more recreation areas or facilities shall be incorporated into the development for the common use of the residents. Depending on the type and market orientation of the residential units within the development, such recreational areas or facilities may include active or passive, indoor or outdoor activities./facilities. The development concept plan and community impact study shall depict the proposed recreational facilities and document their appropriateness and adequacy, respectively.

(3) Common open space (including the recreation area) as required above shall be protected by appropriate restrictions or other methods, developed in accordance with the provisions established in article IV-division 17 of this chapter, and designed to ensure perpetuation and maintenance.

(h) Special design requirements.

(1) To the extent that streets are private rather than public, the developer shall submit assurances satisfactory to the board that a properly constituted property owners association will be responsible for the perpetuation and maintenance of such streets. Such assurances shall be developed in accordance with the provisions of article IV-division 17 of this chapter.

(2) Private streets shall be designed and constructed in accordance with the criteria prescribed by the Virginia Department of Transportation for the particular functional classification of the street, or, in the event the developer proposes an alternate design, to such other specifications as are approved for use by the board in consideration of the anticipated function and character of such street.

(3) The uses within the mixed-use development shall be served by on-street and off-street parking facilities that are sufficient to accommodate the project cumulative demand of the development as demonstrated by a parking analysis which shall be prepared and submitted as part of the PDMU application package. Such parking plan shall incorporate a series of common parking lots interspersed throughout the development. The calculation of parking demand shall be based on the following ratios, provided however, that lesser ratios may be approved by the board based upon documentation provided by a qualified parking demand consultant indicating that fewer parking spaces will be adequate due to the particular characteristics of the development:

<table>
<thead>
<tr>
<th>Type</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail shops-minimum</td>
<td>4 spaces per 1,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Retail shops-maximum</td>
<td>5 spaces per 1,000 square feet of gross floor area</td>
</tr>
</tbody>
</table>
Restaurant – minimum:  10 spaces per 1,000 square feet of gross floor area
Restaurant – maximum:  12 spaces per 1,000
Office uses – minimum:  3 spaces per 1,000
Office uses – maximum:  4 spaces per 1,000

(4) The board may impose such other conditions as it deems necessary on any development proposed under the terms of this section in recognition of any unique circumstances surrounding the particular proposal or the area in which it is proposed, and in order to ensure the protection of the health, safety and general welfare of the public and the preservation of property values.

(Ord. No. 07-7, 5/15/07)

Sec. 24.1-362. Procedure for establishment of the planned development districts.

Planned development districts may be established only through an amendment of the zoning map in accordance with the procedures for amendment prescribed in article I and as follows:

(a) **Conceptual Discussion Phase (Optional)** – The prospective developer of a mixed-use project may request that the project concept be scheduled for discussion by the planning commission and board of supervisors with the objective of obtaining guidance as to the feasibility and acceptability of the project. For the purposes of this preliminary discussion, the developer need not prepare all of the material required for a Phase I submission but should be aware that the planning commission and board of supervisors will be unable to provide meaningful guidance without benefit of a considerable amount of conceptual information about the project. The developer must also understand that proceeding through this process will consume approximately ninety (90) days and that any comments or guidance with respect to the project and/or any alternative development parameters will be informal and non-binding as to the board’s ultimate action in the event the developer decides to proceed with a Phase I submission and formal application.

(b) **Phase I - Overall development master plan and petition for reclassification of property.** The purpose of the overall development master plan is to allow consideration and establishment of the general arrangement of land uses within a proposed planned development as well as the maximum allowable development density and other design parameters and to allow evaluation of the probable impacts, both on-site and off-site, of the proposed development.

(1) A community impact assessment shall be submitted along with the overall development master plan which shall analyze in specific terms the probable impact of the project on the community over time. The assessment shall include, but not be limited to, reports on: the projected fiscal/economic impact of the proposed development (and including a projection of the potential fiscal impact of a by-right development on the subject property); population projections; school enrollment and capacity analyses; parks and recreation activities and needs; fire, rescue and law enforcement services impacts; water, sewer, and stormwater management demands; traffic engineering analysis of projected traffic generation and the impacts on existing and proposed road systems; and, environmental impacts. The zoning administrator may waive certain elements of the community impact assessment where the nature of the proposed development makes such elements inapplicable.

(2) Twenty (20) paper copies (plus legible 11" x 17" reductions of each sheet) of an overall development master plan prepared in accordance with good planning practice, shall be submitted. In addition to an overall site layout plan, the Master Plan submission shall include conceptual information on streets, circulation and parking, open space and recreation amenities, utilities, particularly any stormwater management ponds, landscaping and pedestrian circulation, and, renderings of all major buildings or building types. Prior to formal preparation of an overall development master plan, the owner or developer is encouraged to meet with the zoning administrator to discuss the project proposal and to become familiar with the policies of the board and the procedures and requirements established herein. Depending upon the nature and scope of the development proposal, such meeting should also include representatives from other appropriate review agencies and departments such as, but not limited to, the Virginia Department of Transportation, planning division, economic development office, department of environmental and development services, department of fire and life safety and the department of community services.
(3) In addition to the overall development master plan, the applicant shall submit a petition for amendment of the zoning map in accordance with the requirements and procedures for amendment as established in article I.

(4) Upon a determination by the zoning administrator that the content of the overall development master plan is sufficient for a decision to be rendered by the commission and board, the plan shall be transmitted to the commission and concurrently submitted for review and comment to appropriate county, state and federal agencies and departments. To the extent possible, reviewing agencies' comments will be transmitted to the commission within sixty (60) days at which time the commission will first consider the application.

(5) The commission shall review the submission in accordance with the public notice and hearing requirements prescribed in article I. The commission, in its recommendation to the board, shall specifically address the following:

a. The relationship of the proposed development to the comprehensive plan and other established development policy guidelines;

b. The relationship of the proposed development to the community in which it is proposed to be established;

c. The manner in which the plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic and provide for the amenities of light and air, recreation, and a pleasant visual environment;

d. The nature and extent of common open space in the proposed development and the reliability of the proposals for guaranteeing perpetual maintenance;

e. The appropriateness of the development density in relation to the comprehensive plan and, in the case of mixed-use projects, the appropriateness of the ratio of residential to non-residential uses, proposed for the development.

f. The compatibility of the proposal with the objectives set forth in the statements of intent for the PDR or PDMU districts.

(6) In the event the overall development master plan is approved, or approved subject to modification, the board shall establish, by ordinance, a PDR or PDMU district in the area encompassed. Such ordinance shall establish and specify such minimum and maximum design parameters as the board may deem appropriate, and may include such other conditions and requirements as the board determines necessary.

(7) In the event the overall development master plan is disapproved by the board, the application for reclassification shall thereby be deemed to be denied.

(8) If, during the course of required reviews by the commission or board, the applicant proposes revisions or modifications to the overall development master plan which are of such magnitude and extent as to substantially change the development concept, as determined by the zoning administrator, said modifications shall cause the revised overall development master plan to be referred back through the required review and hearing procedures as if it were an original submission.

(c) Phase II - Final subdivision and site plan.

(1) The approval of a reclassification application to a PDR or PDMU district, and the approval of the accompanying overall development master plan by the board, shall constitute authority for the applicant to prepare one (1) or more final subdivision or site plans. Such plans shall be prepared in accordance with the approved overall development master plan and all applicable provisions of the subdivision ordinance and the site plan provisions established in article V of this chapter.

(2) Separate subdivision or site plans shall be submitted for each development stage or section as set forth in the approved overall development master plan or as approved as a logical phase/section by the zoning administrator. Such plans shall include, as an attachment, cop-
ies of all charters, covenants, restrictions and other instruments pertaining to the use, mainte-
nance, operation and control of all common open space areas or other common facilities within the development. Such documents shall have been developed in accordance with the provisions established in article IV, division 17 of this chapter.

(3) All common and public improvements within the PDR or PDMU district shall be subject to performance agreements and surety requirements as with any development. In addition, those common improvements which generally constitute the "amenity package" for a PDR or PDMU district including, without limitation, the common open space and recreational facilities, but also including additional landscaping, open areas, maintenance facilities and equipment, water bodies, trails, sidewalks, pathways and any other materially similar item as determined by the zoning administrator shall be physically installed and completed prior to or concurrently with any abutting or adjacent building, whether residential or non-residential.

(4) In the event recreational areas or facilities to benefit the residents/property owners/occupants of the development are required, such areas/facilities shall be completed, available for use and enjoyment of the residents, and in the possession of the property owners association prior to the earlier of:

a. thirty-five percent (35%) of the residential units or lots authorized being platted or approved for construction; or

b. five (5) years after the date that the first residential units were platted or approved for construction.

The zoning administrator shall require such performance agreements and surety as deemed necessary to guarantee the property owner(s) within the PDR or PDMU district that the facilities will be available, regardless of the financial circumstances of the developer at the time set for completion. This shall not be interpreted to supersede the requirement established in paragraph (3) above that common improvements be physically installed and completed prior to or concurrently with the construction of any abutting or adjacent buildings.

(5) Limited deviations from the approved overall development master plan may be authorized by the zoning administrator when such deviations are determined to be necessary because of topography; drainage; structural safety; vehicular, pedestrian, or bicycle safety; or other extenuating circumstances, and provided that such deviations will not:

a. increase development density; materially alter points of access; decrease the amount of open space; increase the amount of impervious surface area; materially alter the drainage and stormwater management system;

b. materially alter recreational amenities; materially change the market orientation of the development; demonstrably and negatively affect the visual appearance of the development as viewed from adjacent properties or public roads;

c. materially alter the character of the approved overall development master plan; or,

d. be contrary to the legislative intent of the board in approving said overall development master plan.

(6) When the zoning administrator grants a limited deviation, a written record of the decision shall be made describing the request, the decision, and the factors contributing to the decision. Copies of the written record shall be forwarded to the commission and board for information purposes.

(7) Any proposed adjustment or revision other than those authorized above, as determined by the zoning administrator, shall not be approved without amendment of the overall development master plan in accordance with the same procedures and time limitations specified for initial submission.

(Ord. No. 07-7, 5/15/07)

Sec. 24.1-370.  Purpose of overlay districts.

The regulations established herein are designed to supplement, or "overlay," the requirements and provisions established for the zoning district in which located. All requirements of the underlying zoning district shall remain applicable unless specifically modified by the provisions established herein.

Sec. 24.1-371.  ASM-Airport safety management overlay district.

(a) Statement of intent. In accordance with the objectives of the adopted comprehensive plan and with the laws of the Commonwealth of Virginia, specifically section 15.2-2294, Code of Virginia, the Airport Safety Management Overlay regulations are intended to protect the public health, safety, and welfare by ensuring that development will occur in such a way as to cause no interference with civil or military air traffic over the county. The purpose of these provisions is to restrict the height of structures and objects of natural growth in the vicinity of any civil or military airport in the county or its environs. Specifically, these provisions are intended to apply to all areas of the county lying within or underneath an imaginary surface or surfaces surrounding any civil or military airport in accordance with the standards set forth in Part 77.25, 77.28, and 77.29, Subchapter C (Obstruction Standards), of Title 14 of the Code of Federal Regulations, or in successor federal regulations, and as shown on the airport safety zone map adopted by the county.

(b) Applicability. The special provisions established in this section shall apply to all areas designated by the county as airport safety zones in accordance with the standards set forth in Parts 77.25, 77.28, and 77.29, Subchapter C (Obstruction Standards) of Title 14 of the Code of Federal Regulations, or in successor federal regulations. Areas so designated are shown on the airport safety zone map adopted by the county.

(c) The following words and terms used in this section shall have the following meanings unless the context clearly indicates otherwise:

Airport. For the purposes of this section, civil airport shall refer to Newport News-Williamsburg International Airport, and military airport shall refer to Camp Peary Field and Langley Air Force Base.

Airport elevation. The established elevation of the highest point on any usable landing surface expressed in feet above mean sea level.

Airport safety zone. All of the area and airspace of the county lying equal to or above an approach surface, approach clearance surface, clear zone surface, conical surface, horizontal surface, inner horizontal surface, outer horizontal surface, primary surface, or transitional surface as they apply to civil and military airports in the county or its environs. These zones are established as overlay zones, superimposed upon the underlying zoning districts, that do not affect the uses and activities of the underlying zoning districts except as provided in this section. The specific airport safety zones are as follows:

Airport zone. A zone that is centered about the runway and primary surface of an airport. For a civil airport, the floor of the airport zone is set by the horizontal surface, and for a military airport it is set by the inner horizontal surface.

Approach zone. A zone that extends away from the end of the primary surface of an airport along the extended runway centerline, the floor of which is set by either the approach surface (for a civil airport) or the approach clearance surface (for a military airport).
Conical zone. A zone, the floor of which is set by the conical surface, that circles around the periphery of and outward from the horizontal surface of a civil airport or from the inner surface of a military airport.

Outer airport zone. A zone that is centered about the runway and primary surface of a military airport, the floor of which is set by the outer horizontal surface.

Transitional zone. A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.

Approach clearance surface. For a military airport, an imaginary surface represented by an inclined plane, symmetrical about the runway centerline extended, beginning two hundred feet (200') beyond each end of the primary surface at the centerline elevation of the runway end and extending for fifty thousand feet (50,000'). The slope of the approach clearance surface is fifty to one (50:1) along the runway centerline extended until it reaches an elevation of five hundred feet (500') above the established airport elevation. It then continues horizontally at this elevation to a point fifty thousand feet (50,000') from the point of beginning. The width of this surface at the runway end is the same as the primary surface; it flares uniformly, and the width at fifty thousand feet (50,000') is sixteen thousand feet (16,000').

Approach surface. For a civil airport, an imaginary surface longitudinally centered on the extended runway centerline, extending upward and outward from the end of the primary surface at a slope of fifty to one (50:1) for a horizontal distance of ten thousand feet (10,000'), thereafter at a slope of forty to one (40:1) for an additional horizontal distance of forty thousand feet (40,000'). The inner edge of the approach surface is the same width as the primary surface, and it expands uniformly to a width of sixteen thousand feet (16,000').

Conical surface. For a civil airport, an imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000'). For a military airport, an imaginary surface extending outward and upward from the periphery of the inner horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of seven thousand feet (7,000') to a height of five hundred feet (500') above the established airfield elevation.

Hazard to air navigation. An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

Horizontal surface. An imaginary surface represented by a horizontal plane one hundred fifty feet (150') above the established airport elevation for any civil airport, the perimeter of which is constructed by swinging arcs of a 10,000-foot radius from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

Inner horizontal surface: An imaginary surface represented by a horizontal plane that is oval in shape at a height of one hundred fifty feet (150') above the established airfield elevation of any military airport. The plane is constructed by scribing an arc with a radius of seven thousand five hundred feet (7,500') about the centerline at the end of each runway and interconnecting these arcs with tangents.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds the maximum height for the zone in which it is located as set forth in section 24-371(d) and as shown on the airport safety zone map.

Outer horizontal surface. An imaginary surface represented by a horizontal plane, located five hundred feet (500') above the established airfield elevation of any military airport, extending outward from the outer periphery of the conical surface for a horizontal distance of thirty thousand feet (30,000').

Primary surface. An imaginary surface longitudinally centered on a runway. For a civil airport, the primary surface extends two hundred feet (200') beyond each runway end and has a width of one thousand feet (1,000'). For a military airport, the primary surface has the same length as the runway and a width of two thousand feet (2,000').
Runway. A specified area on an airport or airfield prepared for landing and takeoff of aircraft.

Transitional surface. For a civil airport, an imaginary surface extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one (7:1) from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the approach surface which project through and beyond the limits of the conical surface extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at right angles to the runway centerline. For a military airport, imaginary surfaces which connect the primary surfaces, the first two hundred feet (200') of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface, or other transitional surfaces. The slope of the transitional surface is seven to one (7:1) outward and upward at right angles to the runway centerline.

Vegetation. Any object of natural growth.

(d) Height regulations. Except as otherwise provided in this section, no structure shall be erected or altered, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the floor, of any airport safety zone provided for in section 24-371(c) at any point. The specific height limitations for each airport safety zone are listed below. Any area located in more than one of the following zones shall be construed to be only in the zone with the most restrictive height limitation. In each case, the prescribed limitation represents the maximum permissible height above the airport elevation of the airport to which said limitation refers.

Airport zone. One hundred fifty feet (150').

Approach zone. For civil airports, the maximum height shall be zero feet (0') at the inner edge of the approach surface where it abuts the primary surface, increasing thereafter by one foot (1') for each additional fifty feet (50') of horizontal distance from the end of the primary surface up to 10,000 feet. Beyond 10,000 feet, the maximum height shall increase by one foot (1') for each additional forty feet (40') of horizontal distance from the end of the primary surface, reaching a maximum of 1,200 feet. For military airports, the maximum height shall be zero feet (0') at the inner edge of the approach clearance surface where it abuts the clear zone surface, increasing thereafter by one foot (1') for each additional fifty feet (50') of horizontal distance from the clear zone surface, reaching a maximum of five hundred feet (500').

Conical zone. At the inner edge of the conical zone where it abuts the airport zone, the maximum height shall be one hundred fifty feet (150') and at the outer edge the maximum height shall be three hundred fifty feet (350') for civil airports and five hundred feet (500') for military airports. Between the inner edge and the outer edge, the maximum height shall increase by one foot (1') for each twenty feet (20') of horizontal distance.

Outer airport zone. Five hundred feet (500').

Transitional zone. For civil airports, the maximum height shall be the same as in the approach zone where it abuts the transitional zone, increasing by one foot (1') for every seven feet (7') of horizontal distance from the approach surface up to a maximum of five thousand feet (5,000') of horizontal distance.

(e) Variances.

(1) An application for a variance to the requirements of this section shall be made in writing to the board of zoning appeals in accordance with the provisions of article IX. Prior to being considered by the board, any such application shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

(2) In granting a variance, the board of zoning appeals may impose reasonable and appropriate conditions as it may deem necessary to protect the public interest and welfare. Such conditions may include, but need not be limited to, requirements to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the zoning administrator.
Sec. 24.1-372. Repealed—see Chapter 23.2, York County Code. (Ord. No. 05-13(R), 5/17/05)

Sec. 24.1-373. FMA-Floodplain management area overlay district.

(a) **Statement of intent.** The requirements set forth in this section are adopted pursuant to the authority granted to localities by Section § 15.2-2280 of the Code of Virginia. In accordance with the objectives of the comprehensive plan, these regulations are intended to ensure the health, safety and general welfare of the public by ensuring that inhabitants and property within the areas designated as flood hazard areas are safe from damage due to flooding and that development actions will not endanger others. This section complies with the requirements of the National Flood Insurance Program (44 CFR 60.3, et seq.) administered by the Federal Emergency Management Agency and is necessary to ensure that all property owners within the county are eligible for participation in the National Flood Insurance Program regular program and thereby able to secure such insurance at nominal rates.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
2. restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
3. requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; and,
4. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(b) **Applicability.**

1. The special provisions established in this section shall apply to the areas designated as Special Flood Hazard Areas as determined by the Flood Insurance Study (FIS) and as delineated on the Flood Insurance Rate Map (FIRM) for York County prepared by the Federal Emergency Management Agency, Federal Insurance Administration dated January 16, 2015, as amended, and including the following zones.

   a. Zones identified as an AE Zone on the Flood Insurance Rate Map (FIRM) are those for which one hundred (100)-year flood elevations have been provided but for which no floodway has been delineated.

   b. Zones identified as an A or A99 Zone on the Flood Insurance Rate Map (FIRM) are those areas where no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.

   c. Zones identified as a coastal AE zones on the Flood Insurance Rate Map (FIRM) are those areas subject to wave height between 1.5 feet and 3 feet, and identified on the FIRM as areas of Limits of Moderate Wave Action (LiMWA). Flood elevations are provided in these tidal floodplains; however, floodway data is not applicable.

   d. Zones identified as VE or V Zones on the Flood Insurance Rate Map (FIRM) are those areas subject to wave velocity and known as Coastal High Hazard Zones.

The Flood Insurance Rate Map (FIRM) is declared to be a part of this chapter, and an official copy thereof shall be maintained in the Geographic Information System offices with copies also being maintained in the offices of the zoning administrator and building official.

The FIRM also delineates Zone X and Zone X-500 areas. Such areas are not considered to be within the Special Flood Hazard Areas and are not subject to the requirements of this section.
(2) These special provisions shall supplement the regulations of the zoning district within which a subject property is located. The floodplain zones described herein shall be an overlay to the existing underlying zoning districts.

(3) Where these regulations are at variance with the general regulations of this chapter, the specific regulations of the zoning district within which the property is located, or other provisions of this Code, the most restrictive regulation shall apply.

(4) Any changes to the data contained in either the Flood Insurance Study or the Flood Insurance Rate Map as a result of natural or man-made conditions or subsequent study and analysis shall require the approval of the Federal Insurance Administrator prior to implementation. Evidence of such approval shall require the filing with the zoning administrator of one of the following:
   a. Letter of Map Amendment (LOMA)
   b. Letter of Map Revision (LOMR)
   c. Physical Map Revision

In all cases, the burden of proof shall be on the applicant requesting a map or data change.

(5) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered within the floodplain management overlay district except in full compliance with the terms and provisions of this section. All uses, activities, and development occurring within any floodplain management overlay district shall be undertaken only upon the issuance of a zoning certificate, as described in section 24.1-107 of this chapter. Such development shall be undertaken only in strict compliance with the provisions of this section and all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code, the York County Subdivision Ordinance (Chapter 20.5, York County Code), and other applicable state and federal laws.

(6) All applications for development and building permits in the FMA overlay district shall incorporate the following information:
   a. For structures to be elevated, the elevation of the lowest floor (including basement);
   b. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed;
   c. The elevation of the one hundred (100)-year flood (base flood elevation);
   d. Topographic information showing existing and proposed ground elevations; and
   e. Within Coastal A and V-Zones, information obtained and recorded on the permit application shall include the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement.

(7) The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. More severe floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams or channel openings restricted by debris. These provisions do not imply that areas outside the FMA district or land uses permitted within such district will be free from flooding or flood damages.

(8) The provisions set forth in this section shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made thereunder.

(c) For the purposes of this section, the following terms shall have the following meanings:

   Base flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
Base flood elevation (BFE). The Federal Emergency Management Agency designated one-hundred-year water surface elevation. The water surface elevation of the base flood relates to the datum specified on the Flood Insurance Rate Map (FIRM) prepared by FEMA and published as part of the National Flood Insurance Program.

Basement. As used in this section, a basement shall be defined as any part of any structure where the floor is below ground level on all sides.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation.

Channel. A perceptible natural or artificial waterway which periodically or continuously contains moving water confined to a definite bed and banks.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and the storage of materials and equipment.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction. Structures for which the "start of construction" commenced before December 16, 1988, the effective date of the initial FIRM, or which was compliant with the FIRM then in effect prior to any subsequently amended and adopted FIRMs. “Existing construction” may also be referred to as “existing structures”


Flood or flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   - overflow of inland or tidal waters, or
   - the unusual and rapid accumulation or run-off of surface waters from any source, or
   - the unusual and rapid accumulation or run-off of surface waters from any source,
   - mudflows which are proximately caused by flooding or precipitated by accumulations of water on or under the ground which are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by water or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined above.

Flood, 100-Year. A flood level with a one-percent (1%) or greater chance of being equaled or exceeded in any year. Also referred to as base flood.

Flood hazard zone. The delineation of special flood hazard areas into insurance risk and rate classifications on the Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency and which include the following zones and criteria:

- Zone A. Areas subject to inundation by the 100-Year Flood where detailed analyses have not been performed and base flood elevations are not shown.
• Zone AE and AH. Areas subject to inundation by the 100-Year Flood as determined by detailed methods with base flood elevations shown within each area.

• Coastal A Zone. Areas that have been delineated as being subject to wave heights between 1.5 feet and 3 feet and delineated on the FIRM as areas of Limits of Moderate Wave Action (LMWA). Flood elevations are shown within these areas.

• Zone AO. Areas that have been delineated as being subject to shallow flooding identified as AO on the FIRM.

• Zone VE. Areas along coastal regions subject to additional hazards associated with storm wave and tidal action as well as inundation by the 100-Year Flood.

• Zone X and X500. Areas located above the 100-Year Flood boundary and having moderate or minimal flood hazards or a 0.2% annual chance of flooding.

**Flood Insurance Rate Map (FIRM).** An official map of the county on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS).** A report by FEMA that examines evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood related erosion hazards.

**Floodplain administrator.** The individual responsible for administering and ensuring compliance with the terms of the FMA provisions set forth herein. The zoning administrator or other designee appointed by the county administrator shall serve as the floodplain administrator.

**Floodplain or flood-prone area.** A land area which is susceptible to being inundated by a flood. Floodplain areas are generally adjacent to a river, stream, bay, lake, watercourse, or storm drainage facility.

**Floodplain management area.** A land area located within a Flood Hazard Zone or which has been designated by the County and to which the provisions of this section apply.

**Floodproofing.** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Also, a construction method designed to ensure that all parts of a structure or facility located below the base flood elevation are watertight with walls impermeable to the passage of water and with structural components having the capability of withstanding hydrostatic and hydrodynamic loads and the effects of buoyancy.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Freeboard.** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” is required in order to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

**Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure.** Any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
Hydrologic and Hydraulic Engineering Analysis. Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letters of Map Change (LOMC). A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- **Letter of Map Amendment (LOMA):** An amendment based on technical data showing that a property is incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a land as defined by metes and bounds or structure is not located in a special flood hazard area.

- **Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the county’s floodplain management regulations.

- **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or FIS.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR, Section 60.3.

Manufactured home. The provisions of section 24.1-104, Definitions of this chapter notwithstanding, for purposes of this section, a manufactured home shall be defined as a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Also included within this definition shall be park trailers, travel trailers, and other similar vehicles placed on a site for more than one hundred eighty (180) consecutive days, excluding however, those such vehicles stored on a property and not used for their intended purposes.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. North American Vertical Datum of 1988 to which all elevations on the FIRM and within the Flood Insurance Study are referenced.

New construction. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of the initial Flood Insurance Rate Map (December 16, 1988), and including any subsequent improvement to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structure.

Post-FIRM structures. A structure for which construction or substantial improvement occurred after December 16, 1988.

Pre-FIRM structures. A structure for which construction or substantial improvement occurred on or before December 16, 1988.
Recreational vehicle. The provisions of section 24.1-104, Definitions of this chapter notwithstanding, for purposes of this section, a recreational vehicle is one which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

Repetitive Loss structure. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event.

Sand dune. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Shallow flooding area. A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area (SFHA). The land in the floodplain subject to a one (1%) or greater chance of being flooded in any given year.

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within the initial period of validity for the permit, which is 180 days. If the permit expires or lapses, then the start shall be the date that the work actually starts under a new or renewed permit. The actual start means either the first placement of permanent construction on a site, such as the pouring of the slab or footings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, a gas or liquid storage tank that is principally above ground, or a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either:

- Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.”
- Any project for improvement of a structure to correct existing violations of Virginia or county health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions.

Violation. The failure of a structure or other development to be fully compliant with this section (24.1-373).

Watercourse. A natural or artificial channel for the passage of running water fed from natural sources in a definite channel and discharging into some stream or body of water.
(d) **Use Regulations.** Permitted uses, specially permitted uses, accessory uses, dimensional standards, and special requirements shall be as established by the underlying zoning district, except as specifically modified herein.

(1) The following uses shall be specifically prohibited within the Floodplain Management Areas overlay district:

a. Landfills, junkyards, outdoor storage of inoperative vehicles.

b. Manufactured homes, except in a manufactured home (mobile home) park or subdivision that existed as of July 19, 1990. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met. Such replacement manufactured home, or the substantial improvement of an existing one, shall comply in all respects with the terms of this Chapter and the Virginia Uniform Statewide Building Code and, specifically, shall be anchored so as to prevent flotation, collapse, or lateral movement.

c. Surface mines and borrow pits

d. Manufacture, bulk storage, transformation or distribution of petroleum, chemical or asphalt products or any hazardous materials as defined in either or both of the following:

1. Superfund Amendment and Reauthorization Act of 1986

   The following products shall be specifically included:

   a) Oil and oil products including petrochemicals
   
b) Radioactive materials
   
c) Any material transported or stored in large commercial quantities (such as 55-gallon drums) which is a very soluble acid or base, causes abnormal growth of an organ or organism, or is highly biodegradable, exerting a strong oxygen demand
   
d) Biologically accumulative poisons
   
e) Substances containing the active ingredients of economic poisons that are or were ever registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 USC 135 et seq.)
   
f) Substances highly lethal to mammalian or aquatic life

e. Storage or land application of industrial wastes

f. Outdoor storage of equipment, materials, or supplies which are buoyant, flammable, or explosive.

(2) The provisions of article VIII. Nonconforming Uses of this chapter notwithstanding, no expansion of any of the above uses located within the Floodplain Management Area overlay district shall be permitted.

(3) All recreational vehicles placed on sites within the Floodplain Management Area overlay district must either:

a. be on the site for fewer than 180 consecutive days; or

b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick
(e) Special standards and requirements.

(1) Standards for subdivisions. Preliminary plans, development plans and final subdivision plats of all properties, all or part of which are located within any special flood hazard area, must be prepared and sealed by a licensed surveyor or engineer. The following information, in addition to that which would otherwise be required, shall be provided on the respective plans:

a. The 100-Year Flood boundary, as depicted on the FIRM and the flood hazard zone classification(s) shall be depicted on preliminary plans, development plans, and final plats.

b. Development plans shall provide topographical information for the site at a maximum contour interval of two feet (2’), provided, however, that a one foot (1’) contour interval for elevations one foot (1’) lesser and one foot (1’) greater than the 100-Year Flood boundary shall be shown.

c. The elevation of the finished surface of the ground at each corner of each existing building located within any special flood hazard area shall be shown on development plans and final plats.

d. For subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser, base flood elevation data shall be obtained from other sources or developed using detailed methodologies, and hydraulic and hydrologic analysis comparable to those contained in a Flood Insurance Study.

e. All subdivision proposals shall be consistent with the need to minimize flood damage.

f. All subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

g. All subdivision proposals shall be designed to provide adequate drainage to reduce exposure to flood hazards.

(2) Standards for site plans. Site plans for development of all properties, all or part of which are located within any special Flood hazard area, must be prepared and sealed by a licensed surveyor or engineer and include the following information in addition to that which would otherwise be required:

a. The 100-Year Flood boundary, as depicted on the FIRM and the flood hazard zone classification(s).

b. Topographical information for the site provided at a maximum contour interval of two feet (2’), provided, however, that a one foot (1’) contour interval shall be required for elevations one foot (1’) lesser and one foot (1’) greater than the 100-Year Flood boundary and the boundary itself shall be shown.

c. The elevation of the finished surface of the ground at each corner of each existing or proposed building location within any flood hazard zone.

(3) Standards for utilities. All new or replacement utilities, water filtration, and wastewater treatment facilities, installed in a floodplain management area shall be designed to prevent the infiltration of floodwaters into or discharge from such utilities and to minimize the potential for flood damage.

Where private waste disposal systems are to be installed or replaced, they shall be installed so that they will not be permanently contaminated or impaired by a base flood.

(4) Standards for streets and roads. The finished centerline elevation of all new public or private streets shall be no lower than six and one-half feet (6½’) above mean sea level (NGVD) pro-
vided, however, that where an existing street not meeting this criterion is to be extended, the zoning administrator may approve streets or parts thereof which are below this elevation, but not lower than the elevation of the existing street.

(5) **Standards for Floodways.** Within any floodway, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow thorough review by the Floodplain Administrator.

(6) **Standards for filling of floodplain management areas.**

   a. Where fill within the floodplain management area is proposed, the following minimum standards shall apply:

      1. Fill areas shall extend laterally a minimum of fifteen feet (15') beyond building lines from all points.

      2. Fill material shall consist only of soil and small rock materials which can pass through a three-inch (3") opening ASTM standard sieve. Organic materials, including tree stumps and asphalt rubble, shall be prohibited.

      3. Fill areas shall be compacted as may be specified by the zoning administrator to provide necessary permeability and resistance to erosion, scouring, or settling.

      4. Fill areas shall be graded to a finished slope of no steeper than one (1) vertical to three (3) horizontal, unless substantiated data, certified by a licensed engineer, which justifies steeper slopes is submitted to and approved by the zoning administrator.

      5. The zoning administrator shall impose any additional standards deemed necessary to ensure the safety of the community and properties from additional flood hazard potentials caused by filling within the floodplain management area.

   b. Filling or any other encroachment into any channel within the floodplain management area which would, as determined by the zoning administrator, obstruct or unduly restrict water flows through the channel and, in so doing, increase the potential for flood damage shall be prohibited.

   c. The filling of any portion of property solely to increase the elevation of the land to meet minimum lot area requirements and thereby create a buildable lot for residential construction within the floodplain management area shall be prohibited.

   d. These standards may be waived individually by the zoning administrator, upon the recommendation of the wetlands board for approved parks, recreation facilities, shoreline erosion control and beach maintenance projects where sufficient data is presented justifying the project and where it is demonstrated that such actions will not increase flood levels on any properties.

(7) **Standards for watercourse modification.** Watercourses shall not be altered or relocated except upon the presentation of data, certified by a licensed engineer, that the flood-carrying capacity of such a modified watercourse will be at least equal to that prior to modification. Prior to any proposed alteration of any channels or of any watercourse or stream within the Floodplain Management Area overlay district, necessary permits shall be obtained from the Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission. Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.
(8) **General Construction Standards for all Flood Hazard Zones.** All new or substantial improvement construction in the FMA overlay district shall comply with the following general standards:

a. Construction shall comply with all applicable terms of the Virginia Uniform Statewide Building Code and shall be anchored so as to prevent flotation, collapse or lateral movement of the structure due to the effects of wind and water acting simultaneously on all building components. Wind and water loading values shall each have a one percent (1%) chance of being equaled or exceeded in any given year.

b. Construction methods and practices shall be undertaken so as to minimize flood damage.

c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

d. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

e. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

f. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(9) **Construction standards for properties in Zone AE, and AH.** All new construction or substantial improvement in Zone AE and AH of the floodplain management area shall occur in accordance with the applicable floodplain construction provisions for Zone AE and AH contained in the Virginia Uniform Statewide Building Code. The floodplain administrator shall be satisfied that all applicable provisions have been complied with prior to issuing building permits or temporary or permanent certificates of occupancy.

In addition, the following standards shall apply:

a. All new and replacement electrical equipment, and heating, ventilating, air conditioning and other service facilities be installed with a freeboard at least three feet (3') above the base flood elevation or otherwise designed and located so as to prevent water from entering or accumulating within the system.

b. All electrical distribution panels be installed with a freeboard at least three feet (3') above the base flood elevation or otherwise designed and located so as to prevent inundation.

c. The elevation of the lowest floor of any residential structure, including basements, shall be constructed with a freeboard at least three feet (3') above the base flood elevation. Non-residential structures may be flood-proofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the Division of Building Regulation.

d. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

In addition to the above, on property within the Coastal Floodplain zones identified as Coastal AE Zones on the Flood Insurance Rate Map (FIRM) that is subject to wave height between
1.5 feet and 3 feet, and which is identified on the FIRM as being within the Limits of Moderate Wave Action (LiMWA), buildings and structures shall have the lowest floor elevated to provide at least one (1) additional foot of freeboard (i.e., 4 feet).

(10) Construction standards for properties in Zone A. All new construction or substantial improvements in Zone A must comply with all standards applicable to Zone AE contained in this section and the floodplain construction provisions of the Virginia Uniform Statewide Building Code. In addition, the owner and developer of such property shall provide to the floodplain administrator sufficiently detailed hydrologic and hydraulic analyses, certified by a licensed engineer, to determine the base flood elevation for the property and the location of the 100-Year Flood Boundary. Upon approval by the floodplain administrator, copies of all such detailed analyses shall be transmitted to the Federal Insurance Administrator for incorporation into the FIRM.

(11) Construction standards for properties in zones without a designated floodway: Within any AE or AH zone without a designated floodway, no new development activities that increase the water surface elevation of the base flood shall be permitted unless the applicant first applies— with the County’s endorsement— for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

In addition, within the Floodway of an AE or AH zone development, activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies—with the County’s endorsement—for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

(12) Construction Standards for properties in the Zone AO shall be as the following:

a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated with a freeboard of at least 3 feet or above the flood depth specified on the FIRM; above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

b. All new construction and substantial improvements of non-residential structures shall:

1) have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,

2) together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

(13) Space Below the Lowest Floor in Zones A, AE, AH, and AO

In zones A and AE, fully enclosed areas of new construction or substantially improved structures which are below the regulatory flood protection elevation shall:

a. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

b. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

d. provide a minimum of two openings on different sides of each enclosed area subject to flooding.

e. provide a total net area of all openings of at least one (1) square inch for each square foot of enclosed area subject to flooding.

f. in the case of a building has more than one enclosed area, provide each area with openings to allow floodwaters to automatically enter and exit.

g. be designed so that the bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

h. be designed so that openings, if equipped with screens, louvers, or other opening coverings or devices, permit the automatic flow of floodwaters in both directions. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

Construction standards for properties in Zone VE. All new construction or substantial improvement in Zone VE of the floodplain management area shall occur in accordance with the applicable floodplain construction provisions for Zone VE contained in the Virginia Uniform Statewide Building Code. The floodplain administrator shall be satisfied that all applicable provisions have been complied with prior to issuing building permits or temporary or permanent certificates of occupancy. The VE or V Zones on FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast. All new construction and substantial improvements in Zones V and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated with a freeboard at least three feet (3') above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least one foot above the freeboard if the lowest horizontal structural member is perpendicular to the direction of wave approach; and

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).

c. In addition, the following standards shall apply:

   1. All new construction or development shall be located landward of the reach of the mean high tide.

   2. Any man-made alteration of a sand dune or any part thereof shall be prohibited.

   3. No structure or any part thereof may be constructed on fill material of any kind.

   4. All new and replacement electrical equipment, and heating, ventilating, air conditioning and other service facilities be installed with a freeboard at least three feet (3') above the base flood elevation or otherwise designed and located so as to prevent water from entering or accumulating within the system.
5. All electrical distribution panels be installed with a freeboard at least six feet (6’) above the base flood elevation or otherwise located so as to prevent inundation.

6. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building and supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

i. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

ii. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.

iii. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

iv. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (14) a. and b., above.

In addition to the above, on property within the Coastal Floodplain zones identified as Coastal VE Zones on the Flood Insurance Rate Map (FIRM) that is subject to wave height between 1.5 feet and 3 feet, and which is identified on the FIRM as being within the Limits of Moderate Wave Action (LiMWA), buildings and structures shall have the lowest floor elevated to provide at least one (1) additional foot of freeboard (i.e., 4 feet)

(15) Historic structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure’s continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

(16) A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the provisions set forth herein shall be presumed to be in violation until such time as that documentation is provided.

(17) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage system or facility.
(f) **Submitting Technical Data.** The floodplain administrator shall monitor physical changes in the County that could potentially cause base flood elevations to increase or decrease and affect flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the floodplain administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(g) **Administration.** Records of actions associated with administering this ordinance shall be kept on file and maintained by the Office of Building Regulations. The Floodplain Administrator shall have the following duties and responsibilities:

1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
2. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
3. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
4. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
5. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies, including without limitation the Virginia Department of Environmental Quality (VADEQ) and the United States Army Corps of Engineers (USACE) and have submitted copies of such notifications to the United States Federal Emergency Management Agency (FEMA).
6. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
7. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
8. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
9. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the (community), within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
10. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
   a. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
   b. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood-proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
(11) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

(12) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

(13) Administer the requirements related to proposed work on existing buildings:

a. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

(14) Undertake, as determined appropriate due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance (ICC) coverage under NFIP flood insurance policies.

(15) Notify FEMA when the corporate boundaries of the county have been modified and:

a. Provide a map that clearly delineates the new county boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the board of supervisors for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

(16) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, the number of permits issued for development in the SFHA, and the number of variances issued for development in the SFHA.

(17) Ensure that flood, mudslide, and flood-related erosion hazards, to the extent that they are known, are taken into account in all official actions relating to land management and use throughout the entire County, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(h) **Severability.** If any subsection, paragraph, sentence, clause, or phrase of this section shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this section. The remaining portions shall remain in full force and effect; and for this purpose, the provisions herein are hereby declared to be severable.

(i) **Violations.** Violations of any of the terms of this section shall be pursued in accordance with the provisions of Section 24.1-109, Administration, enforcement, and penalties, of this Chapter and Article VI, Violations and penalties, of Chapter 7.1, Building Regulations.

(j) **Variances.** Variances from the provisions of this section may be granted by the board of zoning appeals in accordance with the provisions of article IX of this chapter except that the board of zoning appeals shall notify all applicants, in writing, that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance and that such construction increases risks to life and property, both their own and others. A record shall be maintained of the
above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(1) Variances shall be issued only after the board of zoning appeals has determined that:
   a. there is good and sufficient cause;
   b. failure to grant the variance would result in exceptional hardship to the applicant; and
   c. that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with local laws or ordinances.

(2) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

(3) Variances shall not be issued for any proposal located within a designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

Nothing in this section shall be construed to supersede any requirements or procedures specified by the Virginia Uniform Statewide Building Code.

(Ord. No. O98-18, 10/7/98; Ord. No. 03-24, 6/17/03; Ord. No. 09-11(R), 6/2/09; Ord. No. 11-15(R), 11/16/11; Ord. No. 14-22, 11/18/14)

Sec. 24.1-374. HRM-Historic resources management overlay district.

(a) **Statement of intent.** In accordance with the objectives of the adopted comprehensive plan and specifically with section 15.2-2306, Code of Virginia, the purpose of the historic resources management overlay district is to protect the historic cultural resources of the county by ensuring that historic buildings and archeological sites are acknowledged, properly documented and protected or recovered as development activity occurs.

(b) **Applicability.** The Historic Resources Management Overlay District shall apply to all properties in the county which have historic and archaeological resources present on the site as identified by the study entitled "Resource Protection Planning Revisited: James City County, York County, and City of Williamsburg" prepared by the Department of Archaeological Research, Colonial Williamsburg Foundation and/or as may be identified in the historic resources database maintained and managed by the Virginia Department of Historic Resources. In addition, the HRM overlay provision shall apply to all properties identified in the architectural resources database maintained and managed by the Virginia Department of Historic Resources.

(c) **Use regulations.** Permitted uses, specially permitted uses, accessory uses, dimensional standards and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

(d) **Special requirements.**

(1) **Archaeological sites.**

   a. A Phase I archaeological study performed in accordance with the Guidelines for Archaeological Investigations in Virginia, 1996 or as amended, published by the Virginia Department of Historic Resources, shall be undertaken in conjunction with all development proposals involving any properties within the HRM District. The Phase I study shall identify, in accordance with accepted practices, any sites potentially eligible for listing on the Virginia Landmarks Register or the National Register of Historic Places.

   b. Potentially eligible sites recorded in the Phase I study that cannot be avoided by the development shall be further evaluated through the performance of a Phase II evaluation conducted in accordance with the referenced Guidelines. Sites that are to be avoided shall be cordoned-off in the field by orange-mesh snow fencing or other pro-
c. At the conclusion of the Phase II evaluation and its approval as to compliance with the preparation Guidelines, if a site is determined not eligible for listing on the National Register of Historic Places, then development may occur within the subject area. If the site is determined to be potentially eligible for listing on the National Register, then the following mitigation options are available:

1. Avoidance. In cases where the resource is located outside of any areas that will be disturbed by development activities, the resource site may be avoided by setting aside the site and a sufficient perimeter buffer in an undisturbed natural area. National Register eligible archaeological sites that are to be avoided by the development shall be clearly marked on project construction maps. In addition, if ground clearing or construction activities will take place within 100 feet of the site area, then the site boundaries shall be cordoned-off in the field with orange snow fencing or other appropriate barrier.

2. Partial Avoidance and Data Recovery. In cases where the resource site is partially located within a natural area to be left undisturbed by development activities and partially within an area to be disturbed by development, data recovery shall be required for the site area to be impacted. The site area that is to be protected/preserved shall be clearly marked on project construction plans. In addition, if ground clearing or construction activities will take place less than 100 feet from the site, then the remaining resource boundaries shall be cordoned-off in the field with orange snow fencing or other appropriate barrier. A Treatment/Data and Resource Recovery Plan shall be completed and submitted to the zoning administrator for review and approval as to compliance with preparation guidelines.

3. Data and Resource Recovery. If the resource site cannot be avoided by development activities, then a Treatment Plan / Data and Resource Recovery Plan shall be completed and submitted to the zoning administrator for review and approval as to compliance with the preparation Guidelines.

d. Archaeological excavations being conducted in accordance with an approved Treatment / Data and Resource Recovery Plan shall be under the direct supervision of an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards promulgated by the United States Department of the Interior. All work and resulting reports shall meet the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation promulgated by the United States Department of the Interior and VDHR's guidance entitled, Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Section's 106 and 110, National Historic Preservation Act, Environmental Impact Reports of State Agencies, Virginia Appropriations Act, 1998 Session Amendments and Guidelines for Archaeological Investigations in Virginia June 1996, and any subsequent amendments to such guidelines. All field and laboratory methodology, as well as the final report, shall be conducted in accordance with standards set forth in the VDHR’s Guidelines for Preparing Archaeological Resource Management Reports and will meet the qualifications set forth in the Secretary of Interior's Professional Qualification Standards.

(2) Architectural structure.

a. The Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used in performing appropriate architectural studies or analyses of standing structures.

b. In the event of demolition of an architecturally or historically standing structures is proposed, the zoning administrator may require that a set of measured drawings be prepared by a licensed architect and filed with the county and the state historic preservation office prior to demolition occurring.
(3) All archaeological and architectural studies shall be submitted to the zoning administrator for review and approval and shall be made a part of any development plan approval. All such reports or studies submitted to meet the requirements of this section shall include a signed statement by the preparer certifying that they have complied with all applicable research methodology and guidelines. The zoning administrator shall determine whether the studies have been prepared in accordance with the applicable guidelines through consultation with the Virginia Department of Historic Resources or through such other procedures as deemed appropriate.

(e) **Waiver of certain requirements.** Upon written request from the developer, the zoning administrator may waive any of the above requirements deemed not to be necessary for the proposed project or where it is determined in writing by competent authority recognized by the zoning administrator or state historic preservation officer that the value of the historic resource is insignificant in comparison to the cost of required studies, recovery, or preservation plans.

(Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-375. **TCM-Tourist corridor management overlay district.**

(a) **Statement of intent.** In accordance with section 15.2-2306 Code of Virginia and the objectives of the comprehensive plan, the tourist corridor management overlay district regulations are designed and intended to protect the aesthetic and visual character of the transportation corridors leading into and through the designated historic districts of Williamsburg and Yorktown. All development proposed within these corridors shall be subject to procedures and standards in addition to those in the district regulations. Primarily this overlay district is intended to provide a positive visual experience for those visitors coming into and through the county. The provisions that follow include both requirements (using the word "shall") that must be met and recommendations (using the word "should") that suggest desirable features and treatments that property owners are encouraged to voluntarily incorporate into their building/site designs.

(b) **Applicability.** The special provisions established in this section shall apply to development on parcels which are located along major tourist corridors used to access historic districts in Williamsburg and Yorktown that have been designated on the Virginia Landmarks Register. All lands within two hundred fifty feet (250’) of the following arterial rights-of-way shall be included in the overlay district. Where the property is bisected by this line, the overlay designation shall apply to all construction proposed beyond the 250-foot line to a depth of 500 feet, or to the boundary of the property, whichever is less:

1. George Washington Memorial Highway (Route 17) north of Cook Road
2. Richmond Road (Route 60)
3. Bypass Road (Route 60)
4. Pocahontas Trail (Route 60)
5. Route 132
6. Merrimac Trail (Route 143) west of Queen Creek
7. Goosley Road (Route 238) east of Route 17
8. Cook Road (Route 704), but excluding the east side of the road between Route 17 and Old York Hampton Highway (Route 634)
9. Colonial National Historical Parkway
10. Second Street from Merrimac Trail to the City of Williamsburg boundary line
11. Interstate 64 and any frontage roads (F-xxx) that abut and run parallel to the I-64 right-of-way.
12. Route 199

The boundary of the tourist corridor overlay district shall be shown on the zoning map and shall be delineated as a surveyed line on any site plan or subdivision plat proposed for property located within this district. The boundary shall be measured from the future right-of-way line if the proposed development will be required to add right-of-way, either because of its traffic impact or if the roadway is shown on an adopted statewide, regional, or county plan as requiring additional right-of-way within a twenty (20) year period.
**Use Regulations.** Permitted uses, special permit uses, accessory uses, dimensional standards and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

**Tree protection.**

1. No person shall cut, destroy, move or remove any living, disease-free tree of any species having a trunk caliper of eight inches (8") or larger, measured four and one-half feet (4½’) above ground level, in conjunction with any development of land in this district unless and until final approval of required site plans and subdivision plans shall be obtained that authorizes such action.

2. No person shall cut or clear trees for any reason or for the sole purpose of offering land for sale. Land may, however, be underbrushed (bushhogged).

3. When located within a zoning district which permits such activity, the clear-cutting of trees strictly in conjunction with timbering or silvicultural activities is permitted provided that clear-cutting shall not occur within one hundred feet (100’) of the right-of-way of any corridor designated in this section and only when in compliance with a forest management plan approved by the Virginia Department of Forestry. The term "clear-cutting" as used herein shall mean the cutting of more than twenty-five percent (25%) of the trees located on the site.

**Replacement of trees.** Should the zoning administrator determine that trees eight inches (8") in diameter or greater or vegetation which contributes to the buffering effect have been removed without specific site plan or subdivision plan approval for such removal, the zoning administrator shall require replacement of such trees or vegetation. The minimum height of the new replacement trees shall be twelve feet (12’). The minimum height and spread of new shrubs shall be three feet (3’). The zoning administrator may require replacement at ratios greater than one-to-one (1:1) in recognition of the size, spacial coverage, and maturity differences between replacement trees and the trees being replaced. Ratios shall generally conform to the provisions of §24.1-241 relating to tree credits for mature trees.

**Special architectural standards along tourist corridors.** No building exterior or structure including signs shall have architectural materials inconsistent in quality, appearance, or detail with other architectural materials commonly used in the District. Specific consideration shall be given to compatibility with adjacent properties, thus preventing an adverse impact to existing or future development which could cause a depreciation in property values.

Design and architectural features shall demonstrate consistency with the following provisions:

1. Large work area doors or open bays shall not open toward or face the external roadways.

2. Heating, ventilating and air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway. Large trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes, antennas, etc., shall be similarly located or screened.

3. Fences in front of buildings on the site are discouraged, but if used, fencing shall be landscaped to minimize visibility from the external roads or be of a style which is harmonious with adjacent development. Security and screening fencing required by other terms of the Zoning Ordinance shall be permitted but shall be buffered from direct view by appropriate landscaping.

4. Long monotonous facade designs shall be avoided including, but not limited to, those characterized by unrelied repetition of shape or form or by unbroken extension of line. Any front-facing facade greater than 50 feet in length shall incorporate wall plane projections or recesses or bay divisions extending at least 20% of the length of the facade. Architectural details such as foundation high-lights (belt courses, water tables), lintels, sills, awnings, contrasting cornices or bands of material at the first floor or roof level, projections at entries, wall and roof articulations, bay divisions, and other architectural treatments should be used to create visual interest and to avoid plain, unvaried facades.
(5) Rooflines on large-scale buildings should be broken with features such as hips, cross gables and dormers. Flat-roofed structures should incorporate parapet walls or other treatments to provide visual interest as well as to shield any direct views of the roof deck or rooftop mechanical equipment. When renovating one-story buildings with flat roofs, consideration should be given to adding gable or hipped roofs, or parapet walls or other treatments to add height and visual interest.

(6) Generally no more than three (3) colors shall be used per building. Roofs and window glazing (e.g., tinted or reflective windows) shall not be counted against the three-color limitation. Semitransparent stains are recommended for application on natural wood finishes. Paint colors for exterior surfaces, including trim and accent features, shall be selected from the Corridor Overlay Color Palette which shall be defined as those exterior colors represented on such color charts as are approved by resolution adopted by the Board of Supervisors from time to time. The adoption of a particular color chart shall not be construed to require the use of paints from these companies and color matches from other paint suppliers will be acceptable. The Zoning Administrator shall have the authority to approve requests for use of other colors that are similar to and compatible with those specifically shown on the referenced and approved palette. The use of metallic colors, black (except as an accent or trim color), or fluorescent colors is not permitted. Trim and decorative materials made from wood, metal, composite materials, and concrete should be used where appropriate to contrast with wall materials. In the case of additions or redevelopment, if original quality building materials are to be retained, the new building materials should match or coordinate as closely as possible in terms of material, color and texture.

(9) No portion of a building constructed of barren and unfinished concrete masonry unit (cinder block) or corrugated material or sheet metal shall be visible from any adjoining property or public right-of-way. This shall not be interpreted to preclude the use of architectural block as a building material. Acceptable building materials for front or highly-visible elevations include, but are not limited to: brick, split-faced block, dryvit or other simulated stucco (EIFS), steel-surfaced/pre-finished insulated dimensional wall panels, pre-formed simulated brick or architectural block panels, and wood or synthetic clapboard siding. Attractive façade treatments are also encouraged on any elevation that is visible from an adjoining property.

(10) Gasoline station canopies and bank, fast-food or other drive-thru establishment canopies shall be integrally related to the overall building design by using the same or complementary roof forms, materials, colors, and architectural treatments. Canopy lighting shall be recessed into the ceiling or framework of the canopy.

(9) Building lighting shall be recessed under roof overhangs or generated from concealed source, low level light fixtures. Site lighting shall be from concealed sources (i.e., the luminaire or bulb itself is not visible), shall be of a clear white or amber light that does not distort colors, and shall not spill over onto adjoining properties, buffers, highways, or in any way impair with the vision of motor vehicle operators. Lighting fixtures or devices shall be of a directional or cut-off type capable of shielding the light source from direct view and providing well-defined lighting patterns. Exposed neon (gas-filled) tubing shall not be permitted on exterior building surfaces or on signs.

(10) Free-standing signs shall be of a ground-mounted monument type and, with the exception of shopping center signs, shall not be larger than thirty-two (32) square feet nor erected to a height greater than ten feet (10'). Other provisions of this chapter notwithstanding, shopping center signs shall be limited to a maximum area of ninety-six (96) square feet and a maximum height of fifteen (15) feet. The use of colors commonly referred to as “neon” or “fluorescent” and which are unnaturally bright shades of red, orange, yellow, green, or blue shall not be permitted on signs.

(11) Outdoor storage shall be permitted in accordance with the underlying zoning district, provided however, that all outdoor storage areas shall be screened so that they are not visible from public rights-of-way, internal roadways, and adjacent property. In the case of any new development established after the date of adoption of this section, the parking of any vehicles licensed as “trucks” by the Department of Motor Vehicles and used in the operation
of the business shall be considered “outdoor storage” and shall be screened/buffered from view from public rights-of-way. This shall not be deemed to require screening of vehicles stopped temporarily for delivery/pick-up or loading/unloading. Outdoor display areas shall not encroach into any required front yard landscape area.

(12) Parking areas shall have ten percent (10%) of their surface areas in landscaped islands. Surface parking within forty-five feet (45’) of a public road right-of-way shall be screened from direct view from the public road by shrubbery and earthforms.

(13) Site landscaping shall be designed to blend the architecture of the structures on the site with the natural landscape and character of the surroundings.

(14) Compliance with the provisions of this subsection shall be evidenced by the submission to the zoning administrator of the following plans and information, in addition to complying with all applicable provisions of the subdivision ordinance or article V of this chapter:

a. Comprehensive sign plan including design, materials, and colors to be utilized.

b. Architect's or artist's rendering of all proposed structures depicting the front, side and rear elevations including architectural treatment of all structural exteriors to be visible from an external roadway, including building materials and colors to be utilized.

c. Rendering of the landscape treatment in perspective view depicting parking areas visible from public road. If appropriate, this rendering may be combined with the one in subparagraph b. above.

d. The location and design of all proposed exterior site lighting within the proposed development.

e. Photographs or drawings of neighboring uses and architectural styles.

(g) Appeals. In the event the zoning administrator disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant may request that such plans shall be forwarded to the planning commission for review and action at a public meeting at which the applicant shall have an opportunity to present its case and reasons for appeal. The plans shall be approved by the planning commission if it finds such plans to be in accordance with all applicable ordinances and consistent with the intent of protecting the aesthetic and visual character of the district. If the planning commission finds that such plans do not meet the above stated criteria, it shall deny approval of the plans or shall approve them with reasonable conditions which implement the intent of this district. This section shall not be interpreted to confer upon the planning commission any right to override the decision of the zoning administrator on any issue not directly related to the specific additional requirements of this section. In any case in which an applicant is dissatisfied with a decision of the planning commission, the applicant may appeal the decision to the board of supervisors within thirty (30) days by filing a notice of appeal with the clerk of the board of supervisors. Said appeal shall be reviewed by the board of supervisors at a public meeting at which the applicant shall have an opportunity to present its case and reasons for appeal. In accordance with the terms of section 15.2-2306 of the Code of Virginia, the applicant shall be entitled to appeal the decision of the board of supervisors to the circuit court within thirty (30) days of the board’s decision.

(Ord. O98-22, 11/4/98; Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09; Ord. No. 10-24, 12/21/10)

Sec. 24.1-376. WMP-Watershed management and protection area overlay district.

(a) Statement of intent. In accordance with the objectives of the comprehensive plan, the Watershed Management and Protection Area Overlay regulations are intended to ensure the protection of watersheds surrounding current or potential public water supply reservoirs. The establishment of these regulations is intended to prevent the causes of degradation of the water supply reservoir as a result of the operation or the accidental malfunctioning of the use of land or its appurtenances within the drainage area of such water sources.
(b) **Applicability.** The special provisions established in this section shall apply to the following areas:

1. Areas designated on the Watershed management and protection area overlay district map, dated September 12, 2008, and made a part of this chapter by reference. (See Map III-2 in Appendix A)

2. Such other areas as may be determined by the zoning administrator through drainage, groundwater and soils analyses conducted by the department of environmental and development services to be essential to protection of such existing or potential reservoirs from the effects of pollution or sedimentation.

(c) For the purposes of this section, the following terms shall have the following meanings:

- **Bulk storage.** Storage equal to or exceeding 660 gallons in a single above-ground container

- **Development.** Any construction, external repair, land disturbing activity, grading, road building, pipe laying, or other activity resulting in a change in the physical character of any parcel or land.

- **Reservoir.** Any impoundment of surface waters designed to provide drinking water to the public.

- **Tributary stream.** Any perennial or intermittent stream, including any lake, pond or other body of water formed therefrom, flowing either directly or indirectly into any reservoir. Intermittent streams shall be those identified as such on the most recently published United States Geological Survey Quadrangle Map, or the Soil Conservation Service Soil Survey of James City and York Counties and the City of Williamsburg, Virginia, or as determined and verified upon field investigation approved by the zoning administrator.

- **Watershed.** Any area lying within the drainage basin of any reservoir.

(d) **Use regulations.** Permitted uses, special permit uses, accessory uses, dimensional standards and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

The following uses shall be specifically prohibited within the WMP areas:

1. Storage or production of hazardous wastes as defined in either or both of the following:
   - a. Superfund Amendment and Reauthorization Act of 1986; and

2. Land applications of industrial wastes.

(e) **Special requirements.**

1. Except in the case of property proposed for construction of an individual single-family residential dwelling unit, any development proposal, including the subdivision of land, in WMP areas shall be accompanied by an impact study prepared in accordance with the requirements set forth in subsection (f) below.

2. A two hundred foot (200') wide buffer strip shall be maintained along the edge of any tributary stream or reservoir. The required setback distance shall be measured from the centerline of such tributary stream and from the mean high water level of such reservoir. Such buffer strip shall be maintained in its natural state or shall be planted with an erosion resistant vegetative cover. In the case of tributary streams located upstream from a stormwater management facility designed to provide water quality protection, no buffer shall be required if such facility has been designed to accommodate and manage the quality of runoff from the subject site.

The zoning administrator may authorize a reduction in the two hundred foot (200') wide buffer down to an absolute minimum of fifty feet (50') upon presentation of an impact study, as defined herein, which provides documentation and justification, to the satisfaction of the zoning administrator, that even with the reduction, the same or a greater degree of water quality pro-
tection would be afforded as would be with the full-width buffer. In granting such authorization, the zoning administrator may require such additional erosion control and runoff control measures as deemed necessary.

Except as provided below, all development shall be located outside of the required buffer strip.

a. The buffer strip requirement shall not apply to development which is appurtenant to the production, supply, distribution or storage of water by a public water supplier.

b. Encroachment into or through the required buffer by roads, main-line utilities, or stormwater management structures may be permitted by the zoning administrator provided the following performance standards are met:

1. Road and main-line utility crossings will be limited to the shortest path possible and that which causes the least amount of land disturbance and alteration to the hydrology of the watershed.

2. Stormwater management facilities located within the buffer must be designed to be a part of a watershed stormwater management program.

3. No more land shall be disturbed than is necessary.

4. Indigenous vegetation shall be preserved to the maximum extent possible.

5. Wherever possible, disturbed areas shall be planted with trees and shrubs.

6. The post-development non-point source pollutant loading rate shall be no greater than ninety percent (90%) of the pre-development pollutant loading rate.

7. Non-essential elements of the road or utility project, as determined by the zoning administrator, shall be excluded from the buffer.

c. When the property where an encroachment is proposed is owned by the entity owning and operating the water supply reservoir being protected, and such entity specifically and in writing authorizes and approves the encroachment, it shall be allowed.

(3) In the case of permitted non-residential uses within the WMP areas, performance assurances shall be provided to guarantee that all runoff control and reservoir protection measures proposed in the impact study shall be constructed, operated and maintained so as to meet the performance criteria set forth in the study. The form of agreement and type of letter of credit or other surety shall be approved by the county attorney. The amount of the letter of credit or other surety and designated length of completion time shall be set by the zoning administrator.

(4) The following uses shall not be permitted within the buffer strip required above or within five hundred feet (500') of the required buffer strip:

a. septic tanks and drainfields;

b. feed lots or other livestock impoundments;

c. trash containers and dumpsters which are not under roof or which are located so that leachate from the receptacle could escape unfiltered and untreated;

d. fuel storage in excess of fifty (50) gallons [200L];

e. sanitary landfills;
f. activities involving the manufacture, bulk storage or any type of distribution of petroleum, chemical or asphalt products or any materials hazardous to a water supply (as defined in the *Hazardous Materials Spills Emergency Handbook*, American Waterworks Association, 1975, as revised) including specifically the following general classes of materials:

1. oil and oil products;
2. radioactive materials;
3. any material transported in large commercial quantities (such as in 55-gallon [200L] drums), which is a very soluble acid or base, causes abnormal growth of an organ or organism, or is highly biodegradable, exerting a severe oxygen demand;
4. biologically accumulative poisons;
5. the active ingredients of poisons that are or were ever registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 USC 135 et seq.); or
6. substances highly lethal to mammalian or aquatic life.

(f) **Impact study.**

1. The impact study shall be performed or reviewed by a registered professional engineer who shall certify that the study has been conducted in accordance with good engineering practices. The study shall address, at a minimum, the following topics:
   
   a. Description of the proposed project including location and extent of impervious surfaces; on-site processes or storage of materials; the anticipated use of the land and buildings; description of the site including topographic, hydrologic, and vegetative features.

   b. Characteristics of natural runoff on the site and projected runoff with the proposed project, including its rate, and chemical composition including phosphorus concentration, nitrogen concentration, suspended solids, and other chemical characteristics as deemed necessary by the zoning administrator to make an adequate assessment of water quality.

   c. Measures proposed to be employed to reduce the rate of runoff and pollutant loading of runoff from the project area, both during construction and after.

   d. Proposed runoff control and reservoir protection measures for the project and performance criteria proposed to assure an acceptable level and rate of runoff quality. Such measures shall be consistent with accepted best management practices and shall be designed with the objective of ensuring that the rate of surface water runoff from the site does not exceed pre-development conditions and that the quality of such runoff will not be less than pre-development conditions. Special emphasis shall be placed on the impacts of proposed encroachments into the required buffer.

   e. Proposed methods for complete containment of a spill or leaching of any materials stored on the property which would or could cause contamination of drinking water sources.

   f. Where the developer of property which is subject to the terms of this overlay district desires to utilize existing or planned off-site stormwater quality management facilities, the developer shall provide a written certification to the zoning administrator that the owner of the off-site facilities will accept the runoff and be responsible for its treatment to a level of treatment acceptable to the county and consistent with the requirements of this chapter.
(2) Such study shall be submitted to the zoning administrator for review and approval concurrent with the submission of applications for review and approval of site or subdivision plans or applications for land disturbing or erosion and sediment control permits. A copy of the impact study shall also be forwarded to the agency which owns or manages the subject watershed for review and comments.

(Ord. No. O98-18, 10/7/98; Ord. No. 08-17(R), 3/17/09)


(a) Statement of Intent

The Yorktown Historic District is intended to promote and protect the historical significance, appearance, architectural quality, and general welfare of the Yorktown community through the identification, preservation, and enhancement of landmarks, buildings, structures, and areas which have special historical, cultural, architectural, or archaeological significance as provided by Section 15.2-2306, Code of Virginia. The Historic District and the accompanying guidelines are drawn with the objective of protecting and improving the village character and ambiance and ensuring its preservation for the benefit of the residents of Yorktown and York County.

The preservation of the historical significance of Yorktown is of paramount importance and it is recognized that the deterioration, destruction, or alteration of Yorktown landmarks, buildings, structures, and significant areas may cause the permanent loss of unique resources which are of great value to the people of Yorktown and York County, the Commonwealth of Virginia, and the nation. These special controls and incentives are warranted to ensure that such losses are avoided when possible.

The purposes for establishing a special Yorktown Historic District zoning classification are:

(1) To preserve and improve the historical significance of Yorktown for all residents of York County by protecting familiar and treasured visual and historical elements in the area.

(2) To promote tourism by protecting historical and cultural resources attractive to visitors and thereby supporting local businesses.

(3) To stabilize and improve property values by providing guidelines for the upkeep and rehabilitation of older structures and by encouraging desirable uses and forms of residential and commercial development.

(4) To educate residents on the local cultural and historic heritage as embodied in the Historic District and to foster a sense of pride in this heritage.

(5) To prevent the encroachment of buildings and structures which are architecturally incompatible with their environs within areas of architectural harmony and historic character.

(b) Definitions

(1) Historic Yorktown Design Committee (HYDC) - A three-member board appointed by the York County Board of Supervisors, the purpose of which is to review and determine the appropriateness of proposed actions involving properties within the Historic District.

(2) Certificate of Appropriateness - A statement signed by the Chair of the Historic Yorktown Design Committee, or his designee, which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building or structure within the Historic District, subject to the issuance of all other permits needed for the matter sought to be accomplished.

(3) Contributing Building/Structure - A building or structure within the Yorktown Historic district that was constructed between and including the years 1866 to 1945.

(4) Demolition - The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.

(5) Exterior Features - The architectural style, general design, and general arrangement of the exterior of a building or structure, including the kind and texture of the building mate-

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rial and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures.

(6) **Pivotal Building/Structure** - A building or structure within the Yorktown Historic District that was constructed in 1865 or before.

(7) **Non-Contributing Building/Structure** – A building or structure within the Yorktown Historic District that was constructed in 1946 or later.

(8) **Yorktown Design Guidelines** – The architectural design guidelines adopted by the Board of Supervisors in conjunction with the adoption of this overlay district and any subsequent amendments as may be adopted by the Board of Supervisors from time to time.

(c) **Application of District**

The Yorktown Historic District, as designated by the Board of Supervisors, shall be shown as an overlay to the underlying zoning district(s) and shall serve as a supplement to those underlying district regulations.

(d) **Certificate of Appropriateness**

(1) Within the Yorktown Historic District, no historic landmark or building or structure, including fences and signs, shall be erected, reconstructed, altered, restored, demolished, or moved until a certificate of appropriateness for such work has been issued as provided herein. The certificate of appropriateness shall be displayed on the work site.

(2) In any case where the work to be performed requires the issuance of a permit or approval under other terms of the Zoning Ordinance or York County Code, no such permit shall be granted until a certificate of appropriateness has been approved and issued as required herein. The certificate of appropriateness shall be displayed on the site.

(e) **Actions Exempted from Review**

Certain actions that are deemed not to permanently affect the character of the historic district shall be exempt from review. Such actions shall include the following and any similar actions, as determined by the Zoning Administrator, that will have no more effect on the character of the district than those listed:

(1) Interior alterations.

(2) Maintenance or repair which does not result in a change in exterior features and appearance (such as repainting resulting in the same color, re-roofing with a material that matches the existing, or gutter replacement that matches the existing). Painting of previously unpainted masonry surfaces is not exempt from review.

(3) Changes to a structure that do not involve addition or demolition of building floor area or volume and are not subject to view from adjacent properties or rights-of-way.

(4) Removal of television or radio antennas, solar collectors, and similar appurtenances.

(5) Demolition of any building or structure that the Building Official orders, in writing, because of an unsafe or dangerous condition.

(6) Landscaping.

(f) **Actions Permitted with Administrative Approval**

(1) Certain actions that are deemed to have only a minor effect on the character of the historic district may be approved by the Zoning Administrator upon submittal of an appropriate application form. Such actions shall include the following and any similar actions, as determined by the Zoning Administrator, which will have no more effect on the character of the district than those listed.

a. Additions or deletions to a structure which will not substantially change the archi-
tectural character of the structure and which are generally hidden from public view or inconspicuous in nature.

b. Construction of piers, docks, and bulkheads.

c. Outside storage on a business property that does not involve structural changes.

d. Painting the exterior of a structure or the face of an existing sign when using one of the colors shown on the approved palette of colors.

e. Demolition or moving of any building or structure other than a Pivotal structure.

f. Modification or extension of existing fences or walls along street frontages or side property lines and installation of new fences in rear yards.

(2) The Zoning Administrator shall be guided by the standards and guidelines referenced in Section 24.1-377(h) and shall have the authority to request modifications of a specific proposal in order that the proposal may comply with such standards and guidelines. In any case where the Zoning Administrator is uncertain of his or her authority to act on a particular application under this section or in any case where the Zoning Administrator and the applicant cannot agree on changes in the proposal, the application shall be referred to the HYDC for action. In the case of disapproval by the Zoning Administrator, the applicant may appeal the decision within thirty (30) days to the HYDC. The Zoning Administrator shall keep a record of decisions under this section and shall report on such decisions to the HYDC at its next regular meeting.

(g) Actions Requiring Approval by the Historic Yorktown Design Committee

(1) All actions not covered under Sections 24.1-377(e) or 24.1-377(f) above and any other actions not specifically exempted by the terms of this Article shall be permitted only after issuance of a certificate of appropriateness by the HYDC. Such actions include, but are not limited to:

a. Razing, demolishing, or moving a Pivotal building or structure.

b. Constructing a new building or structure.

c. Any addition to, or modification of, a building or structure which alters the square footage of the structure or otherwise alters its size, height, contour or outline, or color.

d. Any change or alteration of the exterior features and architectural style of a building, including removal or rebuilding of porches, dormers, cupolas, stairways, terraces, and the like.

e. Addition or removal of one or more stories of a building or alteration of the roofline of such structures.

f. Construction of walls or fences as a new feature on street frontages or side property lines (i.e., when not an extension of a fence already located on the front or side property lines.

g. Any addition of, or alteration to, a sign, including changing the face or repainting the face if using colors not on the Yorktown Color Palette.

h. Painting or repainting a structure using colors that are not on the Yorktown Color Palette.

(h) Standards and Guidelines for Review

In considering any request for a certificate of appropriateness, the following standards, and the Yorktown Design Guidelines, as adopted by the Board of Supervisors, and as may amended from time to time (which are incorporated into this ordinance by reference), shall be considered.
(1) Generally, the following should be considered:
   a. The relationship of the proposed changes to the historic, architectural or cultural significance of the structure and the surrounding district.
   b. The appropriateness of the change in terms of architectural compatibility with the distinguishing historic and architectural features of the structure and the district. Architectural compatibility shall be judged in terms of a proposed structure’s mass, dimensions, materials, color, ornamentation, architectural style, lighting, and other criteria deemed pertinent.

(2) For renovations to Pivotal structures (pre-1865), the conformance of the change with the standards established by the U. S. Secretary of the Interior for the rehabilitation of historic buildings.

(3) For new construction, the following shall apply:
   a. The design for new construction shall be sensitive to and take into account the special characteristics that the district is established to protect. Such considerations are to include building scale, height, orientation, site coverage, spatial separation from other buildings, facade and window patterns, entrance and porch size and general design, materials, texture, color, architectural details, roof forms, emphasis of horizontal or vertical elements, walls, fences, and any other features deemed appropriate by the reviewing authority (Zoning Administrator or HYDC).
   b. The design of the new construction shall recognize the relationships among buildings in the immediate setting rather than specific styles or details since architectural styles and details may throughout the Historic District.

(4) For signage, the following shall apply:
   a. Signs shall be compatible with and relate to the design elements of the building they are associated with or attached to, rather than obscure or disrupt such design features.
   b. Signs shall be compatible with other signs and buildings in the district and adjacent to the property.
   c. Compatibility shall be judged in terms of dimensions, materials, color, letter style and placement, lighting, and overall general effect on the building and Historic District.

(5) For accessory structures, the following shall apply:
   a. Existing characteristic features such as trees, walls, fencing, walkways and other similar structures or site features that reflect the building’s or district’s history and development shall be retained.
   b. Accessory structures shall be appropriate to and compatible with the architectural features of the primary structure and the district.

(i) Historic Yorktown Design Committee

(1) Creation - For the general purposes of this Article and specifically to preserve and protect the historic character of Yorktown, there is hereby created a committee to be known as the Historic Yorktown Design Committee (HYDC) to be composed of three (3) voting members. The members of the HYDC shall be appointed by the Board of Supervisors. The Board of Supervisors may, at its discretion, also appoint up to two alternate members to be called upon to sit with the Committee as regular voting members from time to time to ensure that a quorum is present.

(2) Terms - The members of the HYDC shall serve overlapping terms of four (4) years. Initially, one (1) member shall be appointed for a term of one (1) year, one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed for a term of
three (3) years. Thereafter, all appointments shall be made for a term of four (4) years. Reappointments shall be in accordance with such policies as may be established by the Board of Supervisors. Vacancies on the HYDC shall be filled within sixty (60) days of the vacancy occurring.

(3) Removal - Any member of the HYDC may be removed from office by the Board of Supervisors for inefficiency, neglect of duties, or malfeasance. An appointment to fill a vacancy shall be only for the unexpired term of the vacancy.

(4) Composition of the Board - Members of the HYDC shall be residents of York County and shall be residents or property owners from the Yorktown Historic District.

(5) Officers - The HYDC shall elect from its own membership a chair and vice chair who shall serve annual terms and may be elected to successive terms. The secretary of the HYDC shall be a staff member in the employ of the county.

(6) Powers and Responsibilities - The HYDC shall be responsible for administering and overseeing the implementation of the Yorktown Design Guidelines and shall have the power and authority to issue or deny certificates of appropriateness for construction, reconstruction, exterior alteration, demolition, and relocation within the historic district. The HYDC shall also assist and advise the Board of Supervisors and property owners in matters involving historically significant sites and buildings or other properties in the Historic District.

(7) Records of Meetings - A record shall be kept of all pertinent information presented at all meetings and of all decisions by the HYDC.

(8) Annual Report - The HYDC shall report on an annual basis to the Board of Supervisors on its activities.

(j) Applications for and Processing of Certificates of Appropriateness

(1) Pre-application Conference - Prior to the formal submission of a proposed plan and application for a certificate of appropriateness, the applicant or his or her representative may hold a conference with York County staff concerning the proposal. At that time the applicant is encouraged to submit and discuss preliminary studies of the concept of the proposed action and seek comments and recommendations.

(2) Information Required - Applications for certificates of appropriateness shall be submitted on a form available from the County. In general, information required will include a site plan, if appropriate, current color photographs of the subject building, structure or site and adjacent buildings and sites, elevations where exterior changes are proposed, information on proposed ground disturbances, and samples of or information describing the materials to be used, including color samples. Other material as may be necessary will be listed on the application form. The staff or the HYDC may also require additional information including, but not limited to, models, visual simulations, and color renderings.

(3) Frequency of Meetings - The HYDC shall hold an annual meeting each year during the month of January and shall, at the annual meeting, adopt a schedule of regular monthly meeting dates for the balance of the calendar year. The HYDC shall meet at least once in each calendar month, provided, however, it need not meet if no applications have been filed or are pending. Applications for HYDC review shall be filed at least twenty-one (21) days prior to the date of the meeting at which the request is to be considered.

(4) Public Notice - Meetings of the HYDC shall be open to the public. Notice shall be given to all applicants and adjacent property owners and notice of all meetings of the HYDC, and the applications to be reviewed shall be set at least seven (7) days prior to the meeting. A sign shall be posted on the subject property by the County indicating the date of the hearing to consider the applicant’s request. The HYDC may accept written and oral comments concerning applications under consideration.

(5) Standards and Guidelines for Review - The HYDC shall be guided in its discussion and review of applications by the standards and guidelines set forth in Section 24.1-377(h).
The HYDC shall give reasons for its decisions, shall act promptly on applications before it, and shall coordinate its procedures with those of other agencies and individuals charged with the administration of this Chapter and other provisions of the York County Code.

The HYDC is not required to limit new construction, alterations, or repairs to the architectural style of any one period and may seek advisory assistance from experts in such fields, as it may deem necessary and appropriate.

(6) Decisions and Findings - In all final decisions rendered, the HYDC shall briefly state its findings in writing, and in the case of disapproval, it may make recommendations to the applicant with respect to changes in the design, texture, material, color, line, mass, dimension or lighting of the alteration or improvements that would make it approvable. Such findings and recommendations shall be set forth in the regularly maintained minutes of the HYDC.

Within five (5) business days of approval of a request, a certificate of appropriateness, signed by the secretary of the HYDC and the Zoning Administrator and bearing the date of issuance, shall be issued, attached to the application, and forwarded to the applicant. Once the certificate has been issued, the Zoning Administrator shall routinely inspect the work being performed to ensure compliance with the terms of the certificate of appropriateness.

(7) Timely Action - The HYDC shall have sixty-five (65) days from the receipt of a completed application to render its decision. If no decision has been made by the HYDC within this time frame, and no mutual agreement between the applicant and the HYDC has been made for the extension of the time period, the Zoning Administrator shall submit the application to the Board of Supervisors, which shall review the application in the same manner as if a decision of the HYDC had been appealed.

(8) Action on Related Permits - The Building Official shall not issue a permit for any erection, reconstruction, exterior alteration, restoration, demolition, or razing of a building or structure in the Historic District until the same has been reviewed and approved by the Zoning Administrator, the HYDC as required herein, or on appeal by the Board of Supervisors or the circuit court.

(9) Expiration of Certificates of Appropriateness - Any certificate of appropriateness issued pursuant to this article shall expire twelve (12) months from the date of issuance if the work authorized thereby has not been commenced and diligently and substantially pursued. Such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve (12) months after being commenced. On written request from an applicant, the HYDC may grant a single extension of its approval for a period of up to one (1) year if, based upon submissions from the applicant, the HYDC finds that conditions on the site and in the area of the proposed project are essentially the same as when approval originally was granted.

(k) Applications for Demolition (Reference Section 15.2-2306 A.3, Code of Virginia)

(1) Prior to the issuance of a certificate of appropriateness for demolition of a Pivotal building or structure within the district, the HYDC shall make the following findings:

a. The purpose and necessity of the demolition are in accordance with the intent of the historic district.

b. Loss of the structure would not be adverse to the district or the public interest by virtue of its uniqueness or its significance to the district.

c. Demolition would not have an adverse effect on the character and surrounding environment of the district.

d. Where a development plan for a new use of the site is proposed and submitted, the HYDC shall review the proposed development pursuant to the regulations and intent of the district. Consideration shall be given to the benefits of the proposed development and the trade-offs for demolition of the building or structure.
(2) In addition to the authorization procedures set out above and the right of appeal as set forth in Section 24.1-377(l), the owner of a *Pivotal* building within the district shall as a matter of right be entitled to demolish such Pivotal building provided that:

a. The property owner has applied, on appeal, to the Board of Supervisors for such right; and

b. The owner has for the period of time set forth in the time schedule and cost parameters set forth in Section 15.2-2306 A. 3. of the *Code of Virginia*, 1950, as it may be amended from time to time, made a bona fide offer to sell such building and the land pertaining thereto, to the county, or to any person, firm, corporation, government or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building and the land pertaining thereto; and

c. No bona fide contract binding upon all parties thereto shall have been executed for the sale of any such building and the land pertaining thereto, prior to the expiration of the application time period set forth in the time schedule contained in Section 15.2-2306 A. 3. of the *Code of Virginia*, 1950, as it may be amended from time to time.

d. Before making a bona fide offer to sell, as provided herein, an owner shall first file a statement with the Zoning Administrator identifying the property, stating the offering price, the date the offer of sale is to begin and the name of the real estate agent. No time period as set forth in the schedule above shall begin to run until such statement has been filed. Within fourteen (14) days of receipt of a statement, the Zoning Administrator shall distribute copies to the Board of Supervisors, the Historic Yorktown Design Committee, and the County Administrator.

e. Any appeal taken to the Court with respect to a decision of the Board of Supervisors concerning demolition shall not affect the right of the owner to make the bona fide offer to sell referred to above; provided, however, that no offer to sell shall be made more than one year after a final decision by the Board of Supervisors but, thereafter, the owner may renew his request to the Board of Supervisors for authorization of the demolition.

(l) Appeals

(1) *Appeal to the Board of Supervisors* - In any case in which the applicant is dissatisfied with the decision of the HYDC on an application for a certificate of appropriateness the applicant may appeal the decision to the Board of Supervisors within thirty (30) days of the decision by filing a notice of appeal with the Clerk of the Board of Supervisors. In exercising its powers, the Board of Supervisors may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination made by the HYDC and make such order, requirement, decision, or determination as ought to be made.

(2) *Appeal to the Circuit Court* – The applicant or the aggrieved owner of any property that is adjacent to the subject property shall have the right to appeal any final decision of the Board of Supervisors pursuant to this article to the Circuit Court by following the procedure set out in Section 15.2-2306 of the *Code of Virginia*, 1950, as amended.

(Ord. No. 03-13(R-1), 12/2/03; Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-378. Route 17 corridor overlay district.

(a) Statement of intent. In accordance with section 15.2-2306 of the Code of Virginia and the objectives of the comprehensive plan, the Route 17 corridor overlay district regulations are designed and intended to protect the aesthetic and visual character of the Route 17 corridor leading to the Yorktown historic district. All development proposed within the corridor shall be subject to the procedures and standards set forth in this section in addition to those required by the underlying district regulations. Primarily, this overlay district is intended to provide a positive visual experience for those visitors coming into and through the county along this corridor. The provisions that follow include both requirements (using the word “shall”) that must be met and recommendations (using the word “should”) that suggest desirable features and treatments that property owners are encouraged to voluntarily incorporate into their building/site designs.
(b) Applicability. The special provisions established in this section shall apply to development on parcels which are located along Route 17 between the Newport News city line and Cook Road. The overlay designation shall apply to all parcels with frontage on Route 17 and shall extend to the depth of the property or 500 feet, whichever is less.

The boundary of the tourist corridor overlay district shall be shown on the zoning map and shall be delineated as a surveyed line on any site plan or subdivision plat proposed for property located within this district. The boundary shall be measured from the existing right-of-way line, or the future right-of-way line if the proposed development will be required to add right-of-way either because of its traffic impact or if the roadway is shown on an adopted statewide, regional, or county plan as requiring additional right-of-way within a twenty (20) year period.

(c) Use Regulations. Permitted uses, special permit uses, accessory uses, dimensional standards and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

(d) Special architectural standards.

(1) No portion of a building façade facing (i.e., parallel to) or highly-visible from a public right-of-way shall be constructed of barren or unfinished concrete masonry unit (cinder block), corrugated material, sheet metal or vertical metal siding. Acceptable building materials for front or highly-visible elevations include, but are not limited to: brick, split-faced block, dryvit or other simulated stucco (EIFS), steel-surfaced/pre-finished insulated dimensional wall panels, pre-formed simulated brick or architectural block panels, and wood or synthetic clapboard siding. Attractive façade treatments are also encouraged on any elevation that is visible from an adjoining property.

(2) Any front-facing façade greater than 50 feet in length shall incorporate wall plane projections or recesses or bay divisions extending at least 20% of the length of the façade. Architectural details such as foundation highlights (belt courses, water tables), lintels, sills, awnings, contrasting cornices or bands of material at the first floor or roof level, projections at entries, wall and roof articulations, bay divisions, and other architectural treatments should be used to create visual interest and to avoid plain, unvaried facades.

(3) Rooflines on large-scale buildings should be broken with features such as hips, cross gables and dormers. Flat-roofed structures should incorporate parapet walls or other treatments to provide visual interest as well as to shield any direct views of the roof deck or rooftop mechanical equipment. When renovating one-story buildings with flat roofs, consideration should be given to adding gable or hipped roofs, or parapet walls or other treatments to add height and visual interest.

(4) Large work area doors or open bays that open toward or face Route 17 should be avoided. Such features, whether front, side or rear-facing, shall be buffered from view from view from Route 17, adjacent roadways and development by architectural elements and/or decorative fencing and/or evergreen landscaping.

(5) Heating, ventilating and air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway. Large trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes, antennas, etc., shall be similarly located or screened.

(6) Fences in front of buildings on the site are discouraged, but if used, fencing shall be landscaped to minimize visibility from the external roads or be of a decorative style that is harmonious with adjacent development. Security and screening fencing required by other terms of the Zoning Ordinance shall be permitted but wherever possible shall be buffered from direct view by appropriate landscaping.

(7) Generally no more than three (3) colors shall be used per building. Roofs and window glazing (e.g. tinted or reflective windows) shall not be counted against the three-color limitation. Paint colors for exterior surfaces, including trim and accent features, shall be selected from the Corridor Overlay Color Palette which shall be defined as those exterior colors represented on such color charts as are approved by resolution adopted by the Board of Supervisors from time to time. The adoption of a particular color chart shall not be construed to require the use of paints from these companies and color matches from other paint suppliers will be acceptable. The Zoning Administrator shall have the authority to approve requests for use of other colors that are similar to and compatible with those
specifically shown on the referenced palette. Semitransparent stains are recommended for application on natural wood finishes. The use of metallic colors, black (except as an accent or trim color), or fluorescent colors is not permitted. Trim and decorative materials made from wood, metal, composite materials, and concrete should be used where appropriate to contrast with wall materials. In the case of additions or redevelopment, if original quality building materials are to be retained, the new building materials should match or coordinate as closely as possible in terms of material, color and texture.

(8) The use of colors commonly referred to as “neon” or “fluorescent” and which are unnaturally bright shades of red, orange, yellow, green, or blue shall not be permitted on signs.

(9) Outdoor storage shall be permitted in accordance with the underlying zoning district, provided however, that all outdoor storage areas shall be screened so that they are not visible from public rights-of-way, internal roadways, and adjacent property. In the case of any new development established after the date of adoption of this section, the parking of any vehicles licensed as “trucks” by the Department of Motor Vehicles and used in the operation of the business shall be considered “outdoor storage” and shall be screened/buffered from view from public rights-of-way. This shall not be deemed to require screening of vehicles stopped temporarily for delivery/pick-up or loading/unloading. Outdoor display areas shall not encroach into any required front yard landscape area.

(10) Gasoline station canopies and bank, fast-food or other drive-thru establishment canopies shall be integrally related to the overall building design by using the same or complementary roof forms, materials, colors, and architectural treatments. Canopy lighting shall be recessed into the ceiling or framework of the canopy.

(11) Site landscaping should be designed to blend the architecture of the structures on the site with the natural landscape and character of the surroundings.

(12) Compliance with the provisions of this subsection shall be evidenced by the submission to the zoning administrator of the following plans and information, in addition to complying with all applicable provisions of the subdivision ordinance or article V of this chapter:

a. Comprehensive sign plan including design, materials, and colors to be utilized.

b. Architect's or artist's rendering of all proposed structures depicting the front, side and rear elevations including architectural treatment of all structural exteriors to be visible from an external roadway, including building materials and colors to be utilized.

c. Rendering or photo-simulation of the landscape treatment in perspective view depicting parking areas visible from public road. If appropriate, this rendering may be combined with the one in sub-paragraph b. above.

d. The location and design of all proposed exterior site lighting within the proposed development.

e. Photographs or drawings of neighboring uses and architectural styles.

(e) Appeals. In the event the zoning administrator disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant may request that such plans shall be forwarded to the planning commission for review and action at a public meeting at which the applicant shall have an opportunity to present its case and reasons for appeal. The plans shall be approved by the planning commission if it finds such plans to be in accordance with all applicable ordinances and consistent with the intent of protecting the aesthetic and visual character of the district. If the planning commission finds that such plans do not meet the above stated criteria, it shall deny approval of the plans or shall approve them with reasonable conditions which implement the intent of this district. This section shall not be interpreted to confer upon the planning commission any right to override the decision of the zoning administrator on any issue not directly related to the specific additional requirements of this section. In any case in which an applicant is dissatisfied with a decision of the planning commission, the applicant may appeal the decision to the board of supervisors within thirty (30) days by filing a notice of appeal with the clerk of the board of supervisors. Said appeal shall be reviewed by the board of supervisors at a public meeting at which the applicant shall have an opportunity to present its case and reasons for appeal. In accordance with the terms of section 15.2-2306 of the
Sec. 24.1-379.  Route 17 commercial corridor revitalization overlay district.

(a) Statement of Intent: The Route 17 Commercial Corridor Revitalization Overlay District is established to encourage re-use and redevelopment of physically constrained properties, as defined herein, in a manner that is beneficial for the corridor and economically viable for the property owner. The district is designed to provide additional flexibilities for development and redevelopment situations on such properties with the objective of restoring those properties to an economically viable and attractive component of the commercial corridor.

(b) Permitted Uses: All uses permitted as a matter of right and by special use permit shall remain as established in the underlying zoning district regulations, unless specifically noted in this section.

(c) Special Performance Standards: The following special performance standards shall apply to physically constrained properties within the Route 17 Revitalization Overlay District. Where the overlay district provisions impose a lesser standard than the provisions established elsewhere in the Zoning Ordinance, the less restrictive standards shall apply. Physically constrained properties shall be those which have the following characteristics:

- lot width is less than 80 feet or lot depth is less than 100 feet; or
- lot size is less than 20,000 square feet; and
- buildings or site improvements are situated so as not to comply with applicable setback or other dimensional standards prescribed for the underlying district (the applicable setback dimension shall take into account any right-of-way reservation requirement that would apply to the property based on programmed road improvements); and
- the property has been designated as blighted by resolution of the Economic Development Authority. For the purposes of this section, blighted properties shall be deemed to be those with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health or welfare of the community and the appearance and economic vitality of the Route 17 corridor:

(1) Damage or Destruction: The provisions of Section 24.1-802(b) notwithstanding, where a nonconforming building or structure located on a property meeting the above criteria is demolished on the owner's initiative, a new building or structure may be constructed on the site meeting the same setbacks as previously existed, provided however, that for the new structure no front setback shall be less than thirty (30) feet and no side or rear setback shall be less than five (5) feet and provided further that the new structure is architecturally compatible with its surroundings and will contribute positively to the surroundings, as determined by the zoning administrator in consultation with the Economic Development Authority. Such 30-foot setback shall be measurable from the existing front property line and the normal requirement to measure setback dimensions from the boundary of any right-of-way reserve area shall not apply, provided however, that no structure shall be placed less than ten (10) feet from any right-of-way reservation line.

(2) Additions: The provisions of Sections 24.1-802(a) and 24.1-804 notwithstanding, additions to a building with nonconforming setbacks on a property meeting the above criteria may be constructed in line with any existing nonconforming front setback dimension of thirty (30) feet or more, provided that no side or rear setback shall be less than five (5) feet, and provided further that the exterior of the blighted structure shall be renovated or
repaired so that the existing structure and the addition are architecturally compatible and contribute positively to their surroundings, as determined by the zoning administrator in consultation with the Economic Development Authority. In no event shall an addition be permitted if it would have a setback of less than ten (10) feet from any right-of-way reservation line.

(3) Landscaping: The provisions of Section 24.1-244 notwithstanding, the front landscape yard dimension on a property meeting the above criteria may be reduced by one (1) foot for every one (1) foot in depth of public right-of-way adjoining the property that is suitable for installation of landscaping (e.g., those areas which are located outside and behind ditches or behind curb lines, and which are not encumbered by utilities, needed for future road widening, or otherwise unsuitable for the establishment and maintenance of landscape plantings), and which the property owner agrees in writing to landscape and maintain, provided that the Virginia Department of Transportation shall consent to the establishment of the landscaping. The maximum reduction in the depth of the landscape yard available under this provision shall be ten (10) feet. The property owner shall be responsible for landscaping and maintaining the subject area, both the private and public property areas, in accordance with the front yard landscape planting ratios and requirements specified in this Chapter.

(4) Parking:

a. Paving: The provisions of Section 24.1-607 notwithstanding, the Zoning Administrator may authorize the continued use or expansion of an existing gravel parking lot for a reuse or redevelopment proposal on a property meeting the above criteria where paving would be the sole cause for installation of stormwater management facilities to address water quality issues. Such authorization shall be contingent on the following:

1. the property owner shall install appropriate timber-bordered landscape islands and other delineators to define circulation aisles and parking spaces;
2. the parking lot shall be surfaced in a brown river stone aggregate mix with sufficient variation in stone sizes to ensure proper compaction and maneuverability; and
3. the parking lot shall be screened from view from Route 17 or other abutting roads by landforms and/or an evergreen hedgerow or similar landscape treatment approved by the Zoning Administrator.

(5) Impervious Surface: The provisions of Section 24.1-376 notwithstanding, the zoning administrator may authorize, after such consultation with the director of Newport News Waterworks as the zoning administrator may deem advisable, the reuse or redevelopment of a property meeting the above criteria and including a stormwater management system that addresses the pre-development/post-development runoff quality requirements specified in Section 24.1-376(f)(1)d. of this chapter in an alternative and equivalent manner.

(Ord. No. 05-13(R), 5/17/05)

Sec. 24.1-400. Purpose and intent.

It is the purpose of this article to establish performance standards for the various categories of land use allowed in the county. The purpose of such performance standards is to ensure compatibility with surrounding uses, conformity with the adopted comprehensive plan, and the protection of the public interest and welfare. Henceforth, all proposed developments and uses of land shall be designed and constructed in accordance with the applicable portions of these standards based on the category of the use.

DIVISION 1. RESIDENTIAL USES

Sec. 24.1-401. Standards for single-family detached dwellings.

(a) Every dwelling shall be served by a driveway which has an all-weather surface and is maintained in a condition passable by emergency vehicles at all times.

(b) The minimum spacing between the tangent point of an intersection and permitted driveways, and between driveways themselves shall be twenty feet (20') unless a greater distance shall be specified in the subdivision ordinance. The zoning administrator may reduce this spacing requirement for lots platted prior to December 1, 1991, upon a determination that adherence to the twenty-foot (20’) separation standard is not possible or not practical given the existing development of adjacent properties or the topography of the subject parcel.

Sec. 24.1-402. Standards for open space development (cluster techniques).

(a) In those districts where permitted, cluster techniques may be utilized to create open space developments, provided that a minimum gross land area of ten (10) acres is available and utilized. Acreage that is continually inundated, or which is subaqueous, shall not be counted as “land area” for the purposes of this section. Additions to existing open space developments of less than ten (10) acres may be approved if the zoning administrator finds that such an addition forms a logical extension.

(b) Density calculations shall be based on net developable acreage as determined by section 24.1-203 of this chapter and the following formula:

\[
\text{Lot Yield} = \frac{\text{Net Developable Acreage} \times \frac{1}{\text{SR}}}{\text{Minimum Conventional Lot Size of the Zoning District}}
\]

Where \(\frac{1}{\text{SR}}\) is a reduction factor to account for streets and recreation space required in conventional subdivisions and is based on the zoning districts in which the proposed development is to be located:

<table>
<thead>
<tr>
<th>District</th>
<th>(\frac{1}{\text{SR}})</th>
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<tbody>
<tr>
<td>RC</td>
<td>0.875</td>
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<tr>
<td>RR</td>
<td>0.850</td>
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<tr>
<td>R33</td>
<td>0.850</td>
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<tr>
<td>R20</td>
<td>0.825</td>
</tr>
<tr>
<td>R13</td>
<td>0.800</td>
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Fractional units may be rounded up to the next whole number.
(c) Yard, size and dimension requirements.

(1) There are no lot width or area requirements.

(2) The above notwithstanding, any lots abutting the exterior boundary of the open space development shall be of the same size as would be required of conventional development unless the abutting development shall have been developed as an open space development. In the case of any open space development receiving Preliminary Plan approval after October 20, 2009, the building setback requirement from any property line on the perimeter of the development shall be the same dimension as would be required for a conventional development unless the lot abuts another open space development or an open space area not less than forty-five feet (45') in width. A lot shall be considered to be abutting unless it is separated by an area of open space which is not less than forty-five feet (45') in width. Any open space strip used to satisfy this requirement shall remain undeveloped, except for stormwater management facilities if approved as specified below, and shall be maintained in its natural state if wooded or, if void of vegetation or undervegetated, it shall be landscaped to meet Type 25 Transitional Buffer standards, as established in section 24.1-243 of this chapter. Such open space area shall not be used to accommodate stormwater management facilities unless such stormwater management facilities are set back at least twenty-five feet (25') from any property not in the open space development. Existing trees and vegetation within such setback area shall be preserved and protected and/or the area shall be landscaped to meet the planting standards of a Type 25 Transitional Buffer. With the concurrence of abutting property owners, the landscaping along all or portions of the 25-foot wide buffer strip may be eliminated or reduced in scope so as not to obscure desirable views of a BMP feature such as a pond or lake.

(3) The minimum setback from external streets shall be that which is prescribed in the underlying zoning district.

(4) The minimum setback from internal public streets shall be thirty feet (30') and from internal private driveways or streets the setback shall be established on the plan of development, but in no case shall it be less than ten feet (10').

(5) The minimum distance between any two principal buildings within the open space development shall be twenty feet (20'). Side yard dimensions on each individual lot shall be a minimum of ten feet (10') in depth and rear yard dimensions shall be a minimum of twenty feet (20') in depth. Accessory building locations and setbacks shall be governed by the provisions set out in Section 24.1-273 of this Chapter.

(6) Flag lots, if proposed, shall be subject to the limitations and dimensional standards set forth in Section 24.1-202(c) of this chapter.

(d) Open space requirements.

(1) No less than forty percent (40%) of the gross area of an open space development shall be reserved as common open space, including recreational space, which shall be maintained for the benefit of the residents of the development. Golf courses may be counted as open space for the purpose of meeting this requirement to a maximum of thirty percent (30%) of the required open space. In addition, in the event the developer of a proposed open space development dedicates or willingly sells to the County land from the parent tract for the purpose of development of one or more of the following community-enhancing public facilities, the land area involved in such transaction shall be creditable on an acre for acre basis toward the open space requirement for the project, to the extent that such credit does not exceed fifty percent (50%) of the amount of open space that would otherwise be required for the development. Land intended by the County for use as one or more of the following purposes shall be eligible for such credit:

- school
- park
- recreation center (indoor or outdoor)
- community center
- library
- such other facility as the Zoning Administrator determines to be materially similar.
The identification of such land and conveyance of the subject property to the County shall occur prior to or contemporaneously with the approval of the construction plans (Development Plans) for the proposed residential project. Nothing in this section shall be deemed to supersede the provisions of Section 15.2-2232 of the Code of Virginia which require that the location of public facilities be found to be substantially in accord with the adopted Comprehensive Plan.

(2) All areas not included in lots or street rights-of-way shall be incorporated into common open space.

(3) The common open space shall be arranged and designed so as to facilitate its use, ensure continuity of design, and preserve sensitive environmental features. Failure to achieve these goals shall be sufficient reason for the zoning administrator to deny applications for open space development plan approval or to require modifications which may include loss of lots.

(e) Recreational space requirements.

(1) Recreational space equivalent to no less than seven and one-half percent (7.5%) of the gross land area shall be provided and shall be suitable, as determined by the zoning administrator, for recreation purposes and the development of recreational facilities which are appropriate to the size, scale, and market orientation of the development. Recreation areas shall not abut the exterior boundary of the open space development.

(2) Within the recreation space shall be developed, at a minimum, an open play field, a playground or tot lot, and a picnic area, all of which shall be located, sized and scaled in proportion to the development.

(3) The zoning administrator may modify the requirement for recreational space in any manner deemed appropriate or necessary for the purpose of ensuring that adequate recreation facilities are available to serve the development given its size, scale, and market orientation.

(4) Adequate pedestrian and bicycle facilities shall be provided which fully interconnect the development and its recreation areas both internally and with existing and planned external pedestrian and bicycle facilities.

(f) Applications for open space developments shall be made in the same manner as prescribed for conventional subdivisions in the county subdivision ordinance.

(g) Final plats recorded for an open space development utilizing the cluster technique and all deeds for lots within such development shall bear a statement indicating that the land is within an approved residential open space (cluster) subdivision and shall also bear a statement indicating the ownership status of the development's open space system and shall reference the covenants creating a property owners association which shall also be recorded at the time final plats are put to record.

(h) Development density may be increased if recreation area in excess of the seven and one-half percent (7.5%) prescribed by the subdivision ordinance is provided and developed. Density increases shall be limited to a maximum of ten percent (10%) and shall be granted in increments of one percent (1%) for each additional two percent (2%) increment of recreation space.

The proposed active recreation facilities shall be approved by the zoning administrator as being appropriate to the size and market orientation of the development and shall either be constructed or guaranteed for construction through an agreement and surety acceptable to the county attorney prior to the platting of any lots over fifty percent (50%) of the total number authorized in the open space subdivision.

Sec. 24.1-403. Standards for single-family attached dwellings.

The following standards shall be required of all single-family attached developments. Evidence of compliance shall be demonstrated through preparation of a site plan in accordance with all requirements of article V.
(a) A single-family attached dwelling unit development or project shall consist of at least five (5) acres except where the zoning administrator determines in writing that allowing development on a smaller parcel of land would facilitate the logical "in-fill" development of vacant parcels and promote efficient land use.

(b) All dwelling units shall be served by public water and public sewer.

(c) The development project shall be designed to promote harmonious relationships with surrounding properties through attention to the type, orientation, spacing and setback of buildings, preservation of natural vegetation, location of recreation areas, open spaces, parking areas, grading, landscaping, and screening and buffering.

(d) The density of the single-family attached dwelling unit development shall not exceed the maximum allowable density for the particular district in which located. Maximum allowable density shall be calculated using net developable acreage as determined in accordance with section 24.1-203.

(e) There shall be no more than six (6) units in any contiguous grouping of townhouse or multiplex units. No more than two (2) abutting attached units shall have uniform roof lines or the same setback. Variations in the setback of building faces shall be at least three feet (3').

(f) The single-family attached development shall be surrounded by a perimeter buffer area of at least twenty-five feet (25') in width. Where feasible, existing mature and healthy trees located throughout the buffer area shall be preserved and protected during and after the development process. Where existing trees must be removed, or few or no trees previously existed throughout the buffer area, trees shall be planted in sufficient numbers to achieve a landscaping ratio of at least one tree, either existing or newly planted, for each five hundred (500) square feet of buffer area. The provisions of this section shall not be construed to require cutting of existing stands of mature healthy trees within such buffer areas nor to require a regimented planting pattern. The final landscaping plan shall ensure that plant materials consistent with the standards established in article II-division 4, are located throughout the buffer areas. Required yards for individual units shall not extend into such areas.

(g) Each single-family attached dwelling unit shall have direct access to a private rear or side yard or patio area which should be enclosed or visually screened by fences, walls or plantings. Accessory storage sheds, fences, walls or other structures, designed and constructed at the time of development as an architecturally compatible addition to the dwelling unit, may occupy up to sixty (60) square feet of the required rear or side yard area. Such sheds shall not exceed six feet (6') in width nor ten feet (10') in depth and shall be located along one of the side lot lines in order to serve as a privacy screen and to maximize the usefulness of the remaining yard/patio area. Other provisions of this chapter notwithstanding, required yard setback dimensions shall be measured to the unit rather than to any attached accessory structure.

In addition to the above-described standards, the following provisions shall apply in the situations noted:

1. When the rear lot line of a single-family attached unit abuts a common open space strip of at least twenty feet (20') in width, or where the rear lot line faces the side lot line of an adjoining unit and is separated from it by a common open space strip of at least ten feet (10') in width, there may be, as a part of the original construction, or as a later addition, a single-story attached room, storage shed, patio enclosure, screened porch, awning, or other similar structure which projects into the required fifteen foot (15') setback by as much as ten feet (10'). No such extension shall be closer to a side lot line than otherwise authorized by the applicable dimensional regulations.

2. Detached single-story storage sheds or similar structures may be located within the required fifteen foot (15') rear yard area and along a side or rear property line provided that they do not exceed sixty (60) square feet in area, are located at least five feet (5') from the principal structure, and the rear lot line abuts a common open space area of at least twenty-five feet (25') in width.

3. For the purposes of administering the provisions set forth in Sections 24.1-403(g)(1) and (2) above, for a quadruplex lot or other residential lot in a multiplex grouping in which units are arranged back-to-back and side-to-side, no additions or accessory structures shall be permitted in yards that abut a public or private street or parking area.
(h) Each single-family attached unit lot shall abut a public street, private drive, group parking area or common open space area. All applicable setback and yard requirements shall be maintained between all units and any public street right-of-way, private drive, group parking area or common open space area. Individual lots shall not be arranged or designed to have frontage on or direct vehicular access to a street proposed for or capable of future acceptance into the State system unless all applicable design requirements of the Virginia Department of Transportation are adhered to. Individual lots and units shall be arranged in accordance with the following criteria:

   (1) Not more than twenty-four (24) units shall be served by a group parking area or private drive having only one point of connection with a public street or an authorized private collector street;

   (2) Up to forty-eight (48) units may be served by a group parking area or private drive having two points of connection with a public street or an authorized private collector street. For each additional increment of twenty-four (24) units, an additional point of connection to a public street or an authorized private collector street shall be required.

(i) Pedestrian and emergency access to the rear of individual lots shall be available via a common open space strip or access way of at least ten feet (10') in width over which shall be granted a public access easement. No lot or group of attached units shall be arranged such that access to the rear portion of a lot would require crossing any other lot or lots. Access between the ends of buildings or unit groupings shall be provided by a common open space strip of at least ten feet (10') in width over which shall be granted a public access easement. The maximum distance between such accessways shall be two hundred feet (200').

(j) All single-family attached development shall be designed to accommodate safe and convenient pedestrian and bicycle movements. This shall include adequate provisions for safe, secure, and convenient bicycle parking as well as for internal pedestrian and bicycle circulation which is appropriately connected to the external street, sidewalk and bikeway system.

(k) Fire hydrants shall be installed within the project at locations such that no structure, or portion thereof, within the project shall be further than six hundred feet (600') from a hydrant.

(l) Streets.

   (1) All collector and through streets within the proposed development shall be constructed and dedicated for acceptance by the Virginia Department of Transportation, provided, however, that the zoning administrator may specifically authorize a private street system in order to facilitate a secured development where general public access would not be permitted. All public and private streets shall be designed in accordance with the design requirements contained in the subdivision ordinance or those published and amended from time to time by the Virginia Department of Transportation, whichever is more stringent.

   (2) All public and private streets and private drives shall be constructed with curb and gutter.

   (3) Pavement design for all public and private streets shall conform, at a minimum, to the criteria and specifications of the Virginia Department of Transportation. This shall specifically include accommodating the turning radii of emergency and service delivery equipment.

   (4) Access to any single family attached development shall be in accordance with the following requirements:

      a. All such projects containing twenty-five (25) or more units shall have at least two (2) points of access or connection to the existing public street system;
b. Such access shall not be through a single-family detached residential subdivision.

(m) Stormwater runoff from streets and parking areas within the project shall be conveyed by a storm sewer system which shall consist of curbs and gutters at the edges of pavement, curb drop inlets, and storm sewer piping in accordance with Virginia Department of Transportation and county specifications.

(n) Outdoor lighting shall be provided at appropriate locations in order to illuminate adequately group and recreational vehicle parking areas and pedestrian, bicycle, and vehicular circulation routes. Such lighting fixtures and illumination levels shall be designed and arranged to be compatible with both natural and architectural characteristics of the development and the surrounding area.

(o) Parking.

(1) Off-street parking spaces shall be provided and designed in accordance with the provisions of article VI of this chapter.

(2) Required off-street parking spaces shall be designed and located so as to promote safe and convenient vehicular, bicycle and pedestrian circulation. Individual townhouse or multiplex parking spaces shall not generally be located in such a manner as to allow vehicles to enter or exit such space directly from a public street.

(3) Visitor parking shall be interspersed conveniently throughout the development.

(4) Parking spaces located on individual dwelling unit lots shall be a minimum of nine feet by eighteen feet (9’ x 18’) in dimension. Where such spaces are located on the individual lots, or where attached garages and driveways are provided, a minimum of 400 square feet of setback green area having a minimum dimension of ten feet (10’) in any direction shall be provided in front of the single-family attached unit.

(5) The location of parking pads on the individual dwelling unit lots shall be varied in order that not more than two (2) two-car pads (4 spaces) are located side by side without an intervening landscaped strip at least eight feet (8’) in width. Any proposed garages, carports or similar parking space enclosures on an individual lot shall be subject to applicable setback and yard requirements.

(6) Parking areas shall be designed in consideration of the maneuvering needs of emergency equipment.

(7) One or more common storage areas shall be provided to accommodate recreational vehicles owned by residents. Within these areas, recreational vehicle parking spaces of twelve feet by thirty feet (12’ x 30’) shall be provided at a ratio of one (1) space per ten (10) dwelling units. Such area(s) shall be separated from living areas and shall be lighted, appropriately screened by landscaping or decorative fencing, and constructed with an all-weather surface.

(p) Where an existing or planned transit route is located in proximity (1,000 feet) to the development, provision shall be made for a transit stop at a convenient point where the development abuts a public street which is classified as a major collector or higher order street.

(q) A minimum of fifteen percent (15%) of the gross acreage in the development shall be set aside as common open space. At least fifty percent (50%) of this required common open space shall be suitable by reason of location, topography, and configuration for the development of active recreation facilities. Such facilities shall not abut the exterior boundary of the development.

(r) Single-family attached units and developments shall be designed to accommodate recycling programs. Development-wide accommodations may include provisions for conveniently located dumpsters dedicated to recyclables collection or other appropriate effort(s) which facilitate recycling.

(Ord. No. 04-11, 6/1/04)

All multi-family development shall comply with the following standards. Evidence of compliance shall be demonstrated through preparation of a site plan in accordance with all requirements of article V.

(a) All dwelling units shall be served by public water and public sewer.

(b) The density of multi-family development projects shall not exceed ten (10) units per acre, calculated using net developable acreage as determined in accordance with section 24.1-203.

(c) The development project shall be designed to promote harmonious relationships with surrounding properties through attention to the type, orientation, spacing setback of buildings, preservation and maintenance of natural vegetation, location of recreation areas, open spaces, parking areas, grading, landscaping, screening and buffering.

(d) Multi-family structures shall be designed and arranged as follows:
   (1) Where units are arranged to resemble individual townhouses, no more than six (6) such units may be in any one (1) contiguous grouping or structure.
   (2) No single apartment building shall contain more than twelve (12) dwelling units.
   (3) The maximum length of any continuous multi-family structure shall be two hundred feet (200').

(e) The development shall be surrounded by a perimeter buffer area of at least fifty feet (50') in width which shall be landscaped, in accordance with the provisions of article II, division 4 of this chapter, to meet the Type 50 Transitional Buffer standards.

(f) Front, side and rear yards shall be provided around each building in the development in a manner which provides a minimum of twenty-five feet (25') of open landscaped space surrounding each building. No two buildings within the project shall be located closer to one another than thirty feet (30').

(g) A minimum of four hundred (400) square feet of common recreation area shall be provided for each dwelling unit in the development. Such areas shall be arranged and improved to provide suitable recreational opportunities, both active and passive, for the residents of the development. Such area need not be concentrated in one central location but may be interspersed throughout the development, if done in a manner which provides appropriate areas conveniently located to all units. No individual recreational area may be less than twenty-five feet (25') in any linear dimension nor located closer than seventy-five feet (75') to any building. Up to twenty-five percent (25%) of the total required open space may be included within the required perimeter setback area provided that the buffer width is not reduced below twenty-five feet (25').

(h) Fire hydrants shall be installed within the project at locations such that no building or portion thereof within the development shall be further than six hundred feet (600') from a hydrant.

(i) The following design standards shall apply to private streets and circulation drives within the development:
   (1) Pavement shall be designed and constructed in accordance with the Virginia Department of Transportation standards for streets having the same traffic volumes as the proposed private streets and drive.
   (2) All streets, drives, and parking areas shall be constructed with curb and gutter designed in accordance with Virginia Department of Transportation specifications.
(3) Street widths shall be based on the anticipated traffic volumes of the street and shall be determined in accordance with the standards contained in the county subdivision ordinance.

(j) Access to any multi-family development project shall be in accordance with the following requirements:

(1) All such projects of twenty-five (25) units or more shall have at least two (2) points of access to the existing public street system;

(2) Such access shall not be through a single-family detached residential subdivision.

(k) All multi-family developments shall provide for safe and convenient pedestrian and bicycle circulation. This shall include safe, secure, and conveniently located bicycle parking facilities together with internal sidewalks, bike lanes, pathways, or trails which are appropriately connected to the external street, bikeway, and pedestrian systems.

(l) Where an existing or planned transit route is located in proximity (1,000 feet) to the development, provision shall be made for a transit stop at a convenient point where the development abuts a public street which is classified as a major collector or higher order street.

(m) Stormwater runoff from streets and parking areas within the project shall be conveyed by a storm sewer system which shall consist of curbs and gutters at the edges of pavement, curb drop inlets, and storm sewer piping in accordance with Virginia Department of Transportation and county specifications.

(n) Outdoor lighting shall be provided at appropriate locations in order to illuminate adequately group and recreational vehicle parking areas and pedestrian, bicycle, and vehicular circulation routes. Such lighting fixtures and illumination levels shall be designed and arranged to be compatible with both natural and architectural characteristics of the development and the surrounding area.

(o) One or more common storage areas shall be provided to accommodate recreational vehicles owned by residents. Within these areas, recreational vehicle parking spaces of twelve feet by thirty feet (12' x 30') shall be provided at a ratio of one (1) space per ten (10) dwelling units. Such area shall be lighted, appropriately screened by landscaping or decorative fencing, and constructed with an all-weather surface.

(p) Multi-family developments shall have facilities for the collection of recyclable materials constructed within each building and the development shall be arranged such that conveniently located community recyclables collection points are available within the development.

(Ord. No. 05-13(R), 5/17/05)

Sec. 24.1-405. Standards for manufactured homes.

(a) In conjunction with agricultural uses.

(1) Such use may be authorized as an accessory use on a bona fide "working farm" located in any zoning district. For the purpose of this section, the term "working farm" shall be defined as an operation where the principal use is the production of agricultural products or the raising or keeping of animals or poultry or the growing of fruits or crops. The minimum area of any such "working farm" shall be ten (10) acres.

(2) Such manufactured home shall be in addition to, and not a substitute for, the principal single-family detached dwelling located on the property. No such manufactured home shall be located on a farm where an inhabitable single-family dwelling does not exist.

(3) Any manufactured home used pursuant to the terms of this section shall be served by a sewage disposal and water supply system, approved by the zoning administrator in
consultation with the health department and the director of environmental and development services.

(4) At least one occupant of the manufactured home shall be employed as a full-time worker on the farm, provided, however, that the owner of the farm shall not occupy the manufactured home.

(5) All such manufactured homes shall be certified as meeting federal safety and construction requirements as promulgated by the U. S. Department of Housing and Urban Development.

(b) Manufactured homes not in conjunction with agricultural uses.

(1) All such units shall be certified as meeting federal safety and construction standards promulgated by the U. S. Department of Housing and Urban Development.

(2) All such units shall be served by an all-weather driveway passable by emergency vehicles at all times.

(3) The unit shall be placed on a permanent foundation which is fully skirted.

(4) Landscaping shall be provided in accordance with a landscape plan to be submitted to and approved by the zoning administrator. All plant materials shall be installed by the end of the first available growing season following placement of the unit.

Sec. 24.1-406. Standards for manufactured home parks.

(a) The minimum size of any parcel considered for development of a manufactured home park shall be ten (10) acres.

(b) The suitability of a proposed location for a manufactured home park shall be determined by the board on a case-by-case basis with consideration given to guidance provided by the comprehensive plan, compatibility with existing and potential development in the immediate vicinity, the physical capabilities of the site to accommodate the proposed development, and such other factors as the board may deem pertinent.

(c) Manufactured home parks shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity. To these ends, site design on the perimeter of the proposed development shall give consideration to protection of the property from adverse surrounding influences, as well as protection of surrounding areas from potentially adverse influences from within the proposed development. In addition, a proposed manufactured home park shall be designed to relate harmoniously to the topography of the site, make suitable provisions for preservation and protection of water courses, wooded areas and other significant natural features and areas, and shall otherwise be so designed as to integrate such natural features and amenities into the overall project design.

(d) Manufactured home parks shall be designed in order to promote a visually attractive and pleasant living environment. Suggested design features include variation in street patterns, use of cul-de-sacs and curvilinear streets, variations in block shapes and sizes; clustering of manufactured home spaces, and variations in the placement of manufactured homes on the individual spaces.

(e) A minimum fifty foot (50') perimeter open space buffer area shall be provided and maintained along the property lines of the park. Such area shall be landscaped in accordance with the requirements for transitional buffers contained in article II, division 4 of this chapter and shall not be used for storage, services, parking, or placement of accessory structures.

(f) The minimum area of individual manufactured home spaces in the manufactured home park shall be four thousand six hundred (4,600) square feet for single-wide units and six thousand
(6,000) square feet for double-wide units. The overall density of the proposed manufactured home park shall be consistent with the density guidelines established in the comprehensive plan.

(g) In lieu of specific minimum width and depth requirements, manufactured home spaces shall be designed and arranged so as to ensure that the anticipated types and dimensions of manufactured homes may be accommodated on the space in accordance with the following performance standards:

1. The minimum setback for manufactured homes, additions thereto, or accessory structures from any internal street rights-of-way or common parking areas shall be twenty-five feet (25').

2. The minimum setback of manufactured homes or additions thereto from any side or rear boundary line of the manufactured home space shall be ten feet (10').

3. The minimum spacing between adjacent manufactured homes or habitable additions thereto shall be twenty feet (20').

4. The minimum setback for detached accessory structures shall be five feet (5') from any side or rear boundary line of the manufactured home space and ten feet (10') from the manufactured home or addition thereto.

(h) The manufactured home park shall provide common recreation space at a minimum ratio of four hundred (400) square feet for each manufactured home space. Such recreation and open space shall be comprised of both active and passive recreational areas and facilities, such as playgrounds, swimming pools, community buildings, separate paths for pedestrians and cyclists, and similar facilities. A primary pedestrian and bicycle system must be provided and shall be part of an overall system providing access between principal park features and recreational areas and to the external street, pedestrian, and bike network. To be counted toward fulfillment of the common recreation and open space area requirement, any space must have a minimum dimension of twenty-five feet (25'), provided, however, that the required pedestrian and bike system may be as narrow as ten feet (10') in width. The width and construction details of the pedestrian and bicycle network shall be shown on the site plan.

The area of required perimeter buffer areas, streets, common parking areas, or park management and service areas shall not be counted toward fulfillment of the common recreation space area requirement nor shall it be used for such purposes.

(i) Parking shall be provided in accordance with article VI of this chapter. Off street parking spaces may be located on the individual manufactured home space or in a common parking court located within one hundred feet (100') of the units to be served. Common parking areas shall be designed and constructed in accordance with all applicable requirements of article VI of this chapter. Not more than two (2) off-street parking spaces shall be provided on any individual manufactured home space and a minimum of four hundred (400) square feet of green area having a minimum dimension of ten feet (10') in any direction shall be provided between such parking spaces and the manufactured home. Parking spaces, whether in common areas or on manufactured home spaces shall be paved.

(j) Each manufactured home space shall abut and have direct access to an interior street or drive or to a common parking area. No manufactured home space shall be designed for direct access to a street outside the boundaries of the manufactured home park. The interior circulation system shall be designed to provide convenient and safe vehicular access to individual lots and, to the extent possible, individual manufactured home spaces should be arranged so as not to have direct access to the park's primary entrance drive(s).

(k) Interior streets shall be paved with a masonry, concrete, or asphalt surface and shall be designed and arranged in a logical and efficient hierarchy based on function. There shall be at least two (2) points of connection with a public street for up to forty-eight (48) manufactured home spaces. For
each additional increment of twenty-four (24) manufactured home spaces, an additional connection to a public street or an authorized private collector street shall be required.

Pavements shall be of adequate widths and cross section to accommodate the contemplated parking and traffic load and shall be designed in consideration of the maneuvering needs emergency vehicles. Pavement sections shall conform to the design categories of the Virginia Department of Transportation and the subdivision ordinance based on anticipated traffic volumes.

Parallel on-street parking shall necessitate an additional eight feet (8') of pavement width for each side of the street on which such parking is to be permitted.

Street rights-of-way shall be sufficiently wide to accommodate necessary drainage improvements, utilities, and pedestrian ways.

(l) All areas of the manufactured home park or individual manufactured home spaces not occupied by structural improvements shall be appropriately landscaped. Such landscaping shall include at least two (2) trees on each manufactured home space supplemented with low growing shrubs and complete grassing of such space and, further, at least one (1) additional tree shall be provided in the park for each two (2) manufactured home spaces, not counting trees in the perimeter buffer area. Standards and criteria established for landscaping in article II, division 4 of this chapter shall be observed.

(m) All manufactured home parks shall be served by both public water and public sewer. Each manufactured home space shall be provided with individual water and sewer connections providing service to the public systems. Fire hydrants shall be located at intervals of not more than six hundred feet (600') throughout the manufactured home park.

(n) The corners of each manufactured home site shall be clearly defined by permanent ground markers corresponding to the layout and design indicated on the approved site plan. The division of land into individual lots for transfer of title shall not be permitted in manufactured home parks.

(o) Only those manufactured homes constructed in accordance with the "Manufactured Home Construction and Safety Standards" promulgated by the U. S. Department of Housing and Urban Development, and bearing the appropriate seals and labels to certify compliance with such regulations, may be located in any manufactured home park subject to these regulations. Only single-story manufactured homes shall be permitted in manufactured home parks.

(p) Manufactured homes shall be located on the space and anchored in accordance with the provisions of the Virginia Uniform Statewide Building Code. All plumbing, electrical, mechanical and similar exterior attachments or additions to the manufactured home or the individual manufactured home space shall be constructed in compliance with the provisions of the Virginia Statewide Building Code.

(q) Permanent masonry walls or prefabricated metal or vinyl skirting, designed, constructed and maintained so as to completely conceal the undercarriage of the unit and fixtures thereto, shall be installed in accordance with the Virginia Uniform Statewide Building Code around the entire perimeter of all units.

(r) One or more common storage and parking areas shall be provided to accommodate recreational vehicles owned by park residents. Within such area(s), recreational vehicle parking spaces of twelve by thirty feet (12' x 30') shall be provided at a ratio of one space per ten (10) manufactured home spaces. Such area(s) shall be separated from the living areas of the park and shall be lighted, appropriately screened with landscaping supplemented by decorative fencing and constructed with an all-weather surface.

(s) Solid waste disposal shall be provided through centralized dumpsters, including facilities for the collection of recyclables, which are conveniently located to serve groups of manufactured homes.
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(t) If centralized or grouped mailboxes are to be used in the park in lieu of individual mailboxes at each manufactured home space, the design of the mailbox structure and grouping shall be submitted to the zoning administrator for review and approval.

(u) Outdoor lighting shall be provided at appropriate locations in order to adequately illuminate group and recreational parking areas and pedestrian and bicycle and vehicular circulation routes. Such lighting fixtures shall be designed and arranged to be compatible with both natural and architectural characteristics.

(v) The developer of a manufactured home park shall be responsible for the proper maintenance of all portions of the park including streets, common parking areas, and recreation areas, open space and buffers. Applications for authorization of a manufactured home park shall be accompanied by a copy of the proposed park rules and regulations and plans and procedures for maintenance of all common areas.

(w) Where an existing or planned transit route is located in proximity (1,000' ±) to the manufactured home park, provision shall be made for a transit stop at a convenient point where the development abuts a public street.

Sec. 24.1-407. Standards for accessory apartments in conjunction with single-family detached dwellings.

(a) Not more than one (1) accessory apartment may be permitted in conjunction with a single-family detached dwelling.

(b) Accessory apartments, whether attached to the principal structure (the single-family dwelling unit) or in a detached accessory structure shall be subject to the following requirements and procedures:

1. Accessory apartments not exceeding 1,000 square feet or 35% of the floor area of the principal structure, whichever is less, shall be permitted as a matter of right in the RC, RR, R33, R20 and R13 zoning districts.

2. Notwithstanding the above limitations, and upon authorization by special use permit, the maximum size of an accessory apartment may be increased to 49% of the floor area of the principal structure, but in no case shall it be greater than 1,000 square feet.

3. In no event shall the lot coverage (i.e., footprint) of a detached accessory apartment structure exceed 75% of the lot coverage of the principal structure.

(c) Access to an accessory apartment, whether in the principal structure or in a detached accessory structure, shall be designed so that the premises continues to have the appearance from the principal street frontage of one single family detached dwelling unit and its customary accessory structures. No new entrance to accommodate an accessory apartment shall be installed on the front façade (facing the street) of an existing or proposed principal structure. The applicant shall be responsible for submitting sketches and/or plans to demonstrate compliance with this condition.

(d) For the purposes of determining allowable floor area for an accessory apartment, all “habitable space,” as defined and determined under the terms of the Building Code, shall be included in the calculation and shall be considered a part of the apartment. Space which does not meet the “habitable” criteria shall not be counted in floor area calculations for the accessory apartment.

(e) The maximum number of bedrooms in an accessory apartment shall be one (1).

(f) Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.

(g) Approval of accessory apartments shall be contingent upon prior certification by the health department that any on-site water supply and sewage treatment facilities are adequate to serve the total number of bedrooms proposed on the property (principal and accessory).

(h) The accessory apartment shall be occupied only by family members (related by blood, marriage, or adoption) or guests of the occupant of the single-family dwelling or by a bona fide medical/health caretaker or domestic employee of the occupant of the single family dwelling. The apartment shall not be offered to the general public for rental or other occupancy arrangements.
(i) All utilities serving the accessory apartment (e.g., electric, water, sewer, gas) shall be registered to the occupant of the principal residence. Registration/billing of utility accounts to different parties (e.g. the occupant of the principal residence and the occupant of the accessory apartment) shall be prohibited, even if separate meters for the principal residence and accessory apartment are used.

(j) Prior to issuance of a Building Permit for the accessory apartment the property owner shall prepare and record with the Clerk of the Circuit Court, at his expense, a deed restriction on the property stipulating that the accessory apartment will be used, occupied and maintained in accordance with the above-noted restrictions and such others as may be prescribed by the York County Board of Supervisors in approving the special use permit. A copy of any resolution authorizing the accessory apartment shall be attached to the deed restriction as an exhibit. Such restrictions shall not be voided, in whole or in part, unless specifically authorized by the County Administrator in recognition of some subsequent change in the zoning restrictions applicable to accessory apartments or upon removal of the accessory apartment through demolition or alterations to the structure.

Sec. 24.1-408. Standards for group homes and transitional homes.

The following standards shall apply to facilities proposed to house a group of unrelated individuals who do not qualify as a “family” as defined in this chapter:

(a) The maximum number of persons accommodated in any group home or transitional home shall not exceed twelve (12) exclusive of resident staff, provided however, that the board may specify a greater or lesser number in consideration of the density and character of the surrounding area and the characteristics of the site itself.

(b) The external appearance and arrangement of such facility shall be of a form and character which is compatible with the appearance and arrangement of other residential uses in the general area.

(c) All off-street parking and loading in excess of that required of single-family detached dwellings shall be located not less than twenty-five feet (25’) from any residential property line and shall be effectively screened from view from adjacent residential properties by a Transitional Buffer Type 25.

(d) Such facility shall comply at all times with all applicable licensing requirements of the appropriate state regulatory agencies.

(e) Such facility shall be under 24-hour/day care and supervision of a professional staff person (or persons), one or more of whom may also reside in the facility. The required professional qualifications of the supervisory staff shall be submitted for review as part of the zoning authorization process.

(f) The facility may include and offer on-site counseling, education and training services for residents. However, such services may not be offered at the premises to non-residents.

(g) The minimum lot size for such facility shall be based on the number of residents (exclusive of staff) proposed to be housed in the facility, as set forth below:

<table>
<thead>
<tr>
<th>Residents</th>
<th>Lot Size Requirement</th>
</tr>
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<tbody>
<tr>
<td>5 to 8</td>
<td>Two (2) times the district minimum</td>
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<tr>
<td>9 to 12</td>
<td>Three (3) times the district minimum</td>
</tr>
<tr>
<td>12 or more</td>
<td>Four (4) times the district minimum</td>
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</tbody>
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(h) As part of the application for Special Use Permit approval, the applicant shall submit a detailed description of the types of clients proposed to be served by the facility, a statement outlining proposed admission requirements and procedures, a description of the proposed facility staffing, a description of programs and services to be available to the residents of the facility (e.g., counseling, training, transportation, etc.), an identification of the licensing agency(s) for the proposed facility, and a statement from the applicable licensing agency that the proposed facility would be eligible for such a license if use permit authorization is given by the County.

Sec. 24.1-409. Standards for boarding house, tourist home and bed and breakfast establishments.

(a) When located in single-family residential zoning districts, boarding houses, tourist homes, and bed and breakfast establishments shall have the appearance of a single-family detached residence and normal residential accessory structures.
(b) Other provisions of this chapter notwithstanding, one freestanding, non-illuminated sign, not exceeding four (4) square feet in area, may be permitted to identify such use.

(c) In all residential districts, required off-street parking for the subject use shall be effectively screened by landscaping from view from adjacent residential properties and shall not be located in any required front yard area.

(d) The board shall specify the maximum number of persons who may be accommodated in the proposed use. Such determination shall be based on a consideration of the density and character of the vicinity in which located and of the size and characteristics of the proposed site.

(e) The owner/proprietor of an authorized and operating bed & breakfast (B&B) establishment or tourist home may apply for a supplementary Special Use Permit authorization to host private weddings and receptions for a fee as a business venture. In order to be eligible to apply for such supplementary Special Use Permit, the B&B or tourist home shall have been in continuous operation for at least one (1) year prior to the date of the submission of the application. The following performance standards and conditions shall be observed unless specifically modified or waived by the Board of Supervisors at the time of approval:

1. Frequency of events: No more than one (1) event per day, or two (2) events in any 7-day period, shall be allowed. A wedding ceremony and its associated reception shall be considered to be a single event.

2. Maximum number of guests: The maximum number of guests shall be established as a condition of the Special Use Permit approval and shall be based on an assessment of the capacity and suitability of the site in consideration of the size of the property and facilities, the amount of parking available to accommodate guests, the capacity and condition of the highway network providing access to the site, the surrounding land uses and their proximity, and such other considerations as the Board of Supervisors deems to be relevant to prevent adverse effects upon neighboring properties.

3. Facilities: Any building or temporary tents used to accommodate ceremonies or receptions shall comply with all applicable Building and Fire Code requirements including, but not limited to: access; materials and fire ratings; emergency lighting; exit lights; fire detection and suppression; etc. Any tent(s) shall be positioned on the property in accordance with all applicable setback requirements for principal structures or such greater setbacks as may be established as a condition of the Special Use Permit approval. Tents shall be dismantled within 48 hours of the conclusion of each event, unless the Special Use Permit shall allow a greater time.

4. Duration of event: Events shall be limited to the time period between 10:00 am and 10:00 pm. Set-up and take-down activities may take place no earlier than 8:00 am and no later than 11:00 pm.

5. Lighting: Exterior lighting shall be limited to fixtures and illumination intensities that will not produce illumination intensities exceeding 0.1 footcandles at any property line.

6. Noise: The activities on the subject property shall be conducted in complete accordance with all requirements of the York County Noise Ordinance set forth in Section 16-19 of the York County Code.

7. Parking: Except as specified below and as documented in the Special Use Permit approval, all parking demand associated with the event shall be accommodated on the site on a suitable all-weather surface. The minimum number of spaces shall be calculated at a ratio of one (1) parking space per every two (2) persons based on the maximum allowable occupancy/attendance limit plus one (1) space for every regular or contract employee associated with the reception facility.

The Special Use Permit may allow:

a. the use of an abutting property owned or controlled by the applicant and from which event attendees can walk without obstruction to reach the reception site. For the purposes of this section, the term abutting shall be construed to include property located on the opposite side of a street right-of-way, provided that event attendees...
will be able to cross perpendicularly and safely and will not be required to walk along a road or road shoulder;

b. the use of any available and conveniently located public parking spaces from which attendees can walk safely.

Any parking areas constructed or established specifically for support of the reception use shall be located a minimum of 25 feet from any abutting property not owned by the proprietor, unless with the consent of the owner of the abutting property, and shall be screened from view from those abutting properties and public rights-of-way by evergreen landscaping, unless the abutting property owner consents to waiver of the screening requirement. All applicable stormwater management standards and requirements associated with the installation of the required parking spaces shall be observed.

(8) Fire and Emergency Vehicle Access: Driveway access to the site shall comply with all requirements as to weight capacity, base and surface material, width, configuration and alignment, and vertical and horizontal clearance as set forth in Section 24.1-261. Existing driveways shall be upgraded to meet these standards if they are deficient in any aspect.

(9) Sanitation: Restrooms or toilet facilities shall be provided for event attendees based on the ratios/requirements set forth in the Virginia Uniform Statewide Building Code. Reception venues that would be dependent on the dwelling’s on-site septic system will not be approved unless the applicant provides written authorization from the Health Department as to the adequacy of the system. In the event portable restroom or toilet facilities are proposed to be used, all shall be screened from view from adjacent public rights-of-way and abutting properties and shall be serviced or removed within two working days of the conclusion of the event.

(10) Caterers / Vendors: The proprietor shall ensure that any caterers or other vendors providing services for a reception are properly licensed and permitted, whether such caterer/vendor is hired by the proprietor or by the client contracting for the use of the facility. Likewise, the proprietor shall ensure that all applicable ABC permits have been obtained, either by the client or by the proprietor, and are kept valid.

Sec. 24.1-410. Standards for condominiums and condominium conversions.

(a) Notwithstanding the specific minimum lot size and minimum yard requirements specified for a given zoning district, the condominium form of ownership may be permitted under the Condominium Act of Virginia, as set forth in sections 55-79.39 et seq., Code of Virginia, subject to the following provisions:

(1) All applicable minimum lot size, maximum density and minimum yard requirements of the zoning district in which located shall be met by all structures in the condominium development as if lot lines existed.

(2) The location of any community structure, such as a clubhouse or swimming pool, shall be governed by the minimum yard requirements for such structures in the zoning district in which located.

(3) Accessory uses and structures shall be permitted in accordance with the provisions established in article II.

(b) The board may authorize by special use permit proposed condominium conversions which do not conform to the zoning, land use and site plan regulations of the county, provided that the applicant can demonstrate to the reasonable satisfaction of the board that said nonconformities are not likely to be adversely affected by the proposed conversion.

Sec. 24.1-411. Standards for Senior Housing (Housing for Older Persons)

(a) All dwelling units shall be served by public water and public sewer.

(b) The Board of Supervisors shall establish the maximum allowable density for senior housing development projects on a case-by-case basis after consideration of the documentation accompanying the Special Use Permit application, the type of facility and the unit style, the availability of necessary public services and facilities, the compatibility with surrounding land uses (both existing and potential), and such other factors as the Board may deem appropriate. In any event, the maximum allow-
The development project shall be designed to promote harmonious relationships with surrounding properties through attention to the type, orientation, spacing and setback of buildings, preservation and maintenance of natural vegetation, location of recreation areas, open spaces, parking areas, grading, landscaping, screening and buffering. Compliance with this requirement shall be demonstrated, documented, and evaluated through the submission of conceptual plans and renderings to accompany the Special Use Permit application.

Senior housing structures shall be designed and arranged as follows:

1. The maximum height of multi-unit structures shall be 45 feet, notwithstanding the height limitations of the district in which located, provided, however, that the Board of Supervisors may establish a lower maximum height based on the character of the surrounding area or on emergency service considerations. The maximum height of individual detached dwelling units shall be thirty-five (35) feet.

2. Congregate Care and Assisted Living facilities shall be accommodated in buildings having enclosed or covered corridors leading to all dwelling units and public/common use spaces.

3. Congregate Care and Assisted Living Facilities shall be accommodated in buildings having access through a main entrance which shall be monitored at all times.

4. The development shall incorporate spaces for recreational, community, and educational activities by and for the benefit of its residents. At a minimum, each senior housing development shall include a common meeting/activity room including a serving kitchen, a lounge/library, and other such spaces as appropriate, for example, areas for exercise, laundry, beauty parlor, and chapel. Such facilities shall be primarily intended for the use and enjoyment of the residents of the development and their guests as opposed to the general public (non-residents). The size of the common meeting/activity room shall be proportionate to the number of units in the facility and the applicant shall include information concerning its adequacy with the Special Use Permit application. In no event shall the size of the meeting/activity room be less than 1,000 square feet.

The development shall be surrounded by a perimeter buffer area of at least fifty feet (50’) in width which shall be landscaped, in accordance with the provisions of article II, division 4 of this chapter, to meet the Type 50 Transitional Buffer standards.

Front, side and rear yards shall be provided around each building in the development in a manner that provides a minimum of twenty-five feet (25’) of open landscaped space surrounding each building. Walkways may be located within the 25-foot landscaped area. No two buildings within the project shall be located closer to one another than thirty feet (30’).

Exterior landscaped areas shall be provided for both active and passive activities. They should be designed to be suitable for seniors and could include walking trails, victory gardens, gazebos, and benches. A minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided.

Fire hydrants shall be installed within the project at locations such that no building or portion thereof within the development shall be further than six hundred feet (600’) from a hydrant. As part of the application for Special Use Permit, the applicant shall submit a detailed description of the proposed features of the project and building design, as well as operational procedures, that will ensure and facilitate the safety of the residents in the event of fire or other emergencies. In the case of senior housing structures not otherwise required to be constructed in accordance with the Institutional classification of the Building Code, the Department of Fire and Life Safety and the Building Official may recommend, and the Board of Supervisors may approve, a use permit condition requiring conformance to one or more aspects of the Institutional classification code pertaining to reduced combustibility of structural components, fire and smoke limiting features, as well as fire detection and suppression systems.

The following design standards shall apply to private streets and circulation drives within the devel-
1. Pavement shall be designed and constructed in accordance with the Virginia Department of Transportation standards for streets having the same traffic volumes as the proposed private streets and drive.

2. All streets, drives, and parking areas shall be constructed with curb and gutter designed in accordance with Virginia Department of Transportation specifications.

3. Street widths shall be based on the anticipated traffic volumes of the street and shall be determined in accordance with the standards contained in the county subdivision ordinance, unless otherwise approved by the Board.

(j) Stormwater runoff from streets and parking areas within the project shall be conveyed by a storm sewer system which shall consist of curbs and gutters at the edges of pavement, curb drop inlets, and storm sewer piping in accordance with Virginia Department of Transportation and County specifications.

(k) Off street parking shall be provided in accordance with the ratios specified in Section 24.1-608 of this Chapter unless otherwise approved by the Board of Supervisors in conjunction with consideration of the Special Use Permit application based on a site-specific and project-specific analysis provided by the applicant. In the case of a Continuing Care Retirement Community, parking shall be calculated based on the sum of the ratios applicable to the individual components (e.g., independent living units, congregate care units, etc.)

(l) Outdoor lighting shall be provided at appropriate locations in order to illuminate adequately vehicle parking areas and pedestrian and vehicular circulation routes. Such lighting fixtures and illumination levels shall be designed and arranged to be compatible with both natural and architectural characteristics of the development and the surrounding area and shall comply in all respects with the standards set out in Section 24.1-260(f) of this chapter.

(m) Where the project will involve offering board, lodging and nursing services under an agreement for the life of the individual or for more than one year, or where such services are offered in consideration of the payment of an entrance fee, all applicable provisions and requirements of Chapter 49, Continuing Care Provider Registration and Disclosure, of the Code of Virginia (1950) shall be observed.

(n) Applications for Special Permits for senior housing projects shall be accompanied by a community impact statement which shall analyze in specific terms the probable impact of the project on the community over time. The assessment shall include, but not be limited to, reports on population projections, public services and facilities demands and impacts, and environmental, fiscal and economic impacts.

(o) In the case of proposals involving the adaptive re-use of a structure and property formerly used as a hotel or motel, the applicant may propose, and the Board may approve, adjustments in the normally applicable site design requirements such as, but not necessarily limited to, building setbacks, landscape areas, and buffers when such adjustments will allow existing site features and elements to remain and to be incorporated into the new development in an appropriate and acceptable manner, as determined by the Board.

(Ord. No. 03-25, 6/17/03; Ord. No. 05-13(R), 5/17/05; Ord. No. 11-15(R), 11/16/11; Ord. No. 15-16, 12/15/15)


DIVISION 2. AGRICULTURE, ANIMAL KEEPING AND RELATED USES (CATEGORY 2)

Sec. 24.1-414. Standards for horsekeeping or other livestock and commercial stables.

(a) The minimum area of any parcel proposed for the keeping of horses or other livestock accessory and incidental to a single-family detached residence, or for a commercial horse stable, shall be two (2) usable acres. In determining usable acreage, the following portions of the property shall be excluded from the minimum usable acreage calculation:

• the area occupied by any residential structures;
• the area of required front or side yards associated with the residence;
• any area with an elevation less than two (2) feet above mean sea level;
• the area encompassed by a 25-foot wide buffer on the landward/upland side of the 2-foot contour;

(b) The maximum number of horses or other livestock permitted as an accessory and incidental use on a residential property shall be one (1) per each usable acre of land as defined in subsection (a) above. In the case of commercial stables, the maximum number of horses permitted shall be two (2) per usable acre of land or such fewer number as the Board of Supervisors may deem appropriate given the characteristics of the subject property and the surrounding area.

(c) Horses or other livestock shall not be stabled, pastured, or otherwise kept within one thousand feet (1,000') of a drinking water reservoir unless it can be proven to the satisfaction of the health department and the zoning administrator that any runoff will be away from the reservoir and that public health will not be negatively impacted. In such cases, a two hundred foot (200') buffer must be maintained. This shall not be interpreted to preclude the riding of horses or establishment of bridle trails closer than the specified distance provided that the health department and owner of the reservoir approve.

The owner shall provide the county with a soil conservation and management plan prepared by a qualified professional which shall include:

(1) a nutrient management plan for the proper storage and application of animal waste;

(2) an erosion control plan to ensure the integrity of the slopes; and

(3) a best management practices program for controlling and treating surface runoff.

In determining consistency with this condition, the zoning administrator may require that the above plans be reviewed and approved by the Virginia Cooperative Extension Service and the U.S. Department of Agriculture - Soil Conservation Service.

(d) The keeping of horses or other livestock as an accessory use on residential property shall be solely for the recreational purposes of the family living on the premises. Boarding of horses or other livestock owned by others is prohibited.

(e) All horses and other livestock shall be kept in pens or other enclosures designed and maintained for secure confinement.

(f) The Board of Supervisors may impose such additional conditions, including special requirements for setbacks of pastures and requirements for drainage control, as deemed necessary to promote the public interest and welfare and ensure that such use will not be detrimental to the character of the neighborhood.

(g) Such uses shall comply in all respects with the standards and requirements established in chapter 4, article II, Livestock, York County Code.

(Ord. No. 11-15(R), 11/16/11; Ord. No. 14-2, 2/4/14; Ord. No. 14-20(R), 10/21/14)

Sec. 24.1-414.1 Standards for Domestic Chicken-keeping as an Accessory Activity on Residential Property

Keeping and housing domestic chickens as an accessory activity on residentially-zoned and occupied property in the R33, R20, R13 and WCI Districts, and as an accessory activity on properties less than two (2) usable acres in area in the RC and RR Districts, shall be permitted in accordance with the following terms and conditions. These provisions shall not be construed to allow the keeping of game birds, ducks, geese, pheasants, guinea fowl, or similar fowl/poultry.

(a) Chickens allowed pursuant to this section shall be kept and raised primarily for the benefit and enjoyment of the occupants of the property. However, nothing in this section shall be construed to prohibit the sharing of eggs with friends or neighbors or the sale of eggs, either on or off the premises.

(b) The maximum number of chickens permitted on a residential lot shall be one (1) hen per 2,500 square feet of lot area, not to exceed a maximum of sixteen (16) hens.

(c) No chickens shall be allowed on townhouse, duplex, condominium, apartment or manufactured housing park properties.
(d) No roosters shall be allowed.

(e) Pens, coops, or cages shall not be located in any front or side yard area.

(f) All pens, coops, or cages shall be situated at least ten (10) feet from adjoining property lines and twenty-five (25) feet from any dwelling located on a property not owned by the applicant. Pens, coops, or cages shall not be located in a storm drainage area that would allow fecal matter to enter any storm drainage system or stream.

(g) All chickens shall be provided with a covered, predator-proof shelter that is thoroughly ventilated, provides adequate sun and shade and protection from the elements, is designed to be easily accessed and cleaned. Such structures shall be enclosed on all sides and shall have a roof and at least one access door. Coops shall provide adequate space for free movement and a healthy environment for birds.

(h) All pens, coops, or cages shall be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent odors perceptible at the property boundaries. All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.

(i) No person shall store, stockpile or permit any accumulation of chicken litter and waste in any manner whatsoever that, due to odor, attraction of flies or other pests, or for any other reason diminishes the rights of adjacent property owners to enjoy reasonable use of their property.

(j) In the case of proposals for accessory backyard chicken-keeping in the RC, RR, R33, R20, R13 and WCI Districts, the property owner must file an application with the Division of Development and Compliance, Department of Environmental and Development Services, on such forms as the Division provides. Such application shall be accompanied by a $15.00 processing fee. The application shall include a sketch showing the area where the chickens will be housed and the types and size of enclosures in which the chickens shall be housed. The sketch must show all dimensions and setbacks. Upon review and determination that the proposed chicken-keeping complies with the standards set forth above, the Division of Development and Compliance shall issue a permit to document that the proposed activity has been reviewed and is authorized pursuant to the terms of this chapter. Accessory residential chicken-keeping operations shall be subject to periodic inspection to assure compliance with the performance standards established in this section.

(k) Proposals for keeping more chickens than allowed by subsection (b) above, for observing setbacks of a lesser dimension than any of those set forth above, or for keeping roosters, may be considered and approved by Special Use Permit in accordance with all applicable procedural requirements.

(Ord. No. 11-15(R), 11/16/11; Ord. No. 14-12, 6/17/14; Ord. No. 14-20(R), 10/21/14)

Sec. 24.1-414.2 Standards for Agriculture Uses Involving Livestock

(a) Notwithstanding the minimum area requirements stated elsewhere in this chapter for any zoning classification, the minimum area of any parcel proposed for an agricultural use, as defined in section 24.1-1-104, shall be two (2) usable acres. In determining usable acreage, the following portions of the property shall be excluded from the minimum usable acreage calculation:

• the area occupied by any residential structure;
• the area of required front or side yards associated with the residence;
• any area with an elevation less than two (2) feet above mean sea level;
• the area encompassed by a 25-foot wide buffer on the landward/upland side of the 2-foot contour;

(b) Any open-air pen, fenced area, or other confinement area for livestock in which the available space is less than 200 square feet per animal shall be located at least 100 feet from the property line of any adjoining parcel on which a residential dwelling unit exists, is under construction, or would be permitted pursuant to its existing zoning classification. In no event shall any pen or confinement area, regardless of its size/area and the number of animals confined, be located less than 25 feet from any perimeter property line. In addition, the following standards shall be observed:
i. Any structure or fenced area used to confine swine shall be located at least five hundred (500) feet from any dwelling not located on the premises and at least 300 feet from any property line.

ii. Any structure or pen used for raising more than 16 chickens shall be located at least 200 feet from any dwelling not located on the premises and at least 100 feet from any property line.

(c) Fencing around livestock pasture areas shall be set back at least 25 feet from any perimeter property line that abuts a parcel less than two (2) acres in area.

(d) All such uses shall comply with all applicable provisions of Chapter 4, Article II. Livestock, and Chapter 23.2, Chesapeake Bay Preservation Areas, of the York County Code.

(e) All such operations shall be conducted in accordance with all existing and applicable best management practices approved by the Virginia Soil and Water Conservation Board with the objective of preventing pollution of, or change in the condition of, the waters of any stream or other water body or which results in drainage or stormwater discharges of a quantity or quality detrimental to adjoining properties.

(f) Notwithstanding the foregoing requirements, horsekeeping accessory to a residential use, commercial stables, and domestic chicken-keeping accessory to a residential use, shall be permitted pursuant to the standards set forth in Section Nos. 24.1-414 and 24.1-414.1 of this chapter.

(Ord. No. 14-20(R), 10/21/14)

Sec. 24.1-414.3 Standards for Commercial Aquaculture and Associated Docking of Workboats and Off-Loading Seafood

When proposed to be established as the principal use of a property in non-commercial zoning districts where commercial aquaculture and the associated docking of workboats and off-loading seafood is permitted pursuant to the listings in Section 24.1-306 – Table of Land Uses, the following standards and requirements shall apply:

(a) Notwithstanding the minimum area requirements stated elsewhere in this chapter for any zoning classification, the minimum area of any parcel proposed to be used for commercial aquaculture shall be two (2) usable acres. In determining usable acreage, the following portions of the property shall be excluded from the minimum usable acreage calculation:

- the area occupied by any residential structure;
- the area of required front or side yards associated with the residence;
- any area with an elevation less than two (2) feet above mean sea level;
- the area encompassed by a 25-foot wide buffer on the landward/upland side of the 2-foot contour;

(b) Any parcel used for this purpose shall have a minimum width of 100 feet at the shoreline, measured between the two points where the side lot lines intersect the mean low water line.

(c) The docking of workboats and loading or off-loading activities associated with an aquaculture operation shall not be permitted within 100 feet of any residential structure located on an abutting property owned or occupied by a person other than the owner of the property on which the aquaculture operation is being conducted. In no event shall any workboat docking or aquaculture activity be conducted within 25 feet of any abutting property. The number of workboats used in the operation and docked at the property’s pier shall not exceed the capacity of the pier to accommodate them without need for rafting.

(d) Outdoor storage of goods, equipment, or materials (other than the workboat itself) shall be limited to a total of one thousand (1,000) square feet and shall not be located in any front or side yard, or within twenty-five feet (25’) of any property line. Any equipment or storage located on the property shall be screened from view from all public streets and adjacent properties by a landscaped buffer area.
supplemented, if determined necessary by the zoning administrator, by masonry or wooden fencing material. A 25-foot wide landscaped buffer strip, landscaped in accordance with the Type 25 landscaping requirements set forth in Section 24.1-243 of the Zoning Ordinance shall be provided along any property line that abuts a property on which a residence exists or could be constructed.

(e) Sludge, shells, or any other waste materials generated in the conduct of the aquaculture operation shall not be stored, stockpiled, or permitted to accumulate within twenty-five feet (25') of any property line, within 100 feet of any residential structure located on an adjoining parcel, or, regardless of location, in any manner that is not consistent with best management practices for minimizing odor and the attraction of flies or other pests.

(f) All federal, state and local requirements for docking facilities shall be met and the necessary permits obtained prior to the issuance of a building permit for docks, piers, or boat houses.

(g) No overnight outdoor storage of seafood waste shall be permitted on the property. The term “seafood waste” does not include clean oyster shells.

(h) Any outdoor or security lighting shall be shielded so that glare is not directed onto adjacent property.

(i) The number of workboats docked at the property shall not exceed the capacity of the pier or boat house.

(j) Any demand for parking, including vehicles being loaded or unloaded, generated by the conduct of such use shall be accommodated off the street.

(k) Any storage or utilization of combustible, toxic, or flammable substances shall be in accordance with the National Fire Prevention Code.

(l) All Chesapeake Bay Preservation Area requirements, including specifically the preparation of a water quality impact assessment, shall be followed.

(m) All aquaculture operations shall be conducted in accordance with all existing and applicable best management practices and shall be operated in a manner that prevents pollution of, or change in the condition of, the waters of any stream or other water body or which results in drainage or stormwater discharges of a quantity or quality detrimental to adjoining properties, or in violation of any federal, state or local environmental laws.

(n) Activities and equipment shall be operated in accordance with Best Management Practices so as to minimize noise impacts of trucks, forklifts, or other equipment and prevent it from being audible on adjacent or nearby residential property at levels greater than typical for a residential property.

Ord. No. 14-23(R), 10/21/14

Sec. 24.1-415. Standards for plant nurseries, greenhouses, and landscape contracting and storage establishments.

(a) Plant nurseries, greenhouses, and landscape contracting and storage establishments shall be designed and used primarily for the growing of nursery stock for gardens, grounds, and yards and the wholesale or retail sale of such stock; and the off-site installation of such stock. When located in or adjacent to residential areas, such uses shall be designed and operated in a manner which is compatible with the adjacent residential area and may include the sale of ancillary items which are customarily associated with maintaining and preserving the life and health of nursery stock, grounds, gardens and yards.

(b) Off-street parking spaces shall be located at least fifty feet (50') from any residential property line. Such parking areas shall be screened effectively from view from adjacent properties by the use of landscaping supplemented, if necessary, by wooden or masonry fencing.

(c) All loading and storage associated with a landscape contracting business shall be screened effectively from view from adjacent properties by landscaping supplemented by wooden or masonry fencing.

(d) For landscape contracting establishments located in residential zoning districts, no more than five (5) vehicles or pieces of self-propelled equipment (other than automobiles) shall be operated from the site or stored there overnight, unless in a fully enclosed building.

Sec. 24.1-416. Standards for animal hospitals, veterinary clinics, and commer-
commercial kennels.

(a) Animal hospitals, veterinary clinics, and commercial kennels located within two hundred feet (200') of a residential property line shall be within a completely enclosed building. Such building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties or uses in the area.

(b) All animals shall be kept in pens or other enclosures designed and maintained for secure confinement.

(c) A waste management plan which ensures sanitary handling of animal wastes and prevents contamination or pollution of adjacent lands or water bodies shall be submitted to and approved by the zoning administrator prior to establishment of such uses.


(a) All animals in private kennels shall be kept in pens or other enclosures designed and maintained for secure confinement.

(b) The minimum setback for runs or pens shall be fifty feet (50') from any residential lot line. In addition, such runs or pens shall be subject to the locational standards for accessory uses as specified in article II-division 7.

(c) All runs and pens shall be screened and buffered to reduce the visual and aural impact on adjacent properties.

Sec. 24.1-418. Standards for commercial orchard or vineyard.

(a) The proposed use shall access a public street which has sufficient capacity to convey the anticipated traffic associated with the proposed use.

(b) An integrated pesticides management plan shall be prepared and submitted with applications for approval.

Sec. 24.1-419. Standards for forestry operations.

(a) A minimum of five (5) acres shall be required for forestry operations.

(b) A forest management plan for all forestry operations shall be submitted to and approved by the Virginia Department of Forestry and the zoning administrator. The zoning administrator shall review the forest management plan for compliance with all applicable requirements of this chapter.

Notwithstanding the provisions of Section 24.1-306, forestry operations which occur to prevent the spread of disease or infestation as certified by the state forester or which occur on land in the County’s land use tax program designated for forest use shall be permitted, without issuance of a use permit, upon approval by the zoning administrator of a forest management plan complying with the provisions of this section.

The zoning administrator shall either approve or disapprove the plan no later than ten (10) working days after submittal. In no case shall a forestry operation on land in the County’s land use tax program designated for forest use proceed without the approval of the zoning administrator.

(c) All forestry operations shall be in accordance with the approved forest management plan. A forest management plan shall include:

(1) a detailed description of the property to be timbered including its current condition, characteristics of adjacent property, influence on water quality, identification of cultural and historical resources, and the presence of any environmentally sensitive features;

(2) a narrative description of all harvesting procedures, techniques for harvesting in sensitive areas, the location of main haul roads, skid trails, potential log landings and stream or drainage crossings, and timing of harvest;

(3) a reforestation plan, if required; and
(4) a depiction of all required buffer areas.

(d) Where stump removal, grubbing, or other soil disturbing activities are proposed in conjunction with tree harvesting, except those preparations for reforestation that are in accordance with the approved forest management plan, an erosion and sedimentation control plan shall be submitted to and approved by the County prior to commencement of any soil disturbing activity.

(e) All heritage, memorial, and specimen trees shall be protected and preserved during and after tree harvesting.

(f) Fifty-foot (50') buffers within which no timbering shall occur shall be provided along all public roads and twenty-five-foot (25') buffers shall be provided along the side and rear property lines. Fifty percent (50%) of the crown cover within the side and rear yard buffers may be harvested.

(g) Streamside management zones at least fifty feet (50') in width, within which no timbering may occur, shall be preserved on each side of all perennial and intermittent streams. Upon request, the zoning administrator may approve harvesting fifty percent (50%) of the crown cover within the streamside management zone accompanied by a fifty percent (50%) increase of the streamside management zone to one hundred feet (100'). This request must be accompanied by a recommendation of approval from the Virginia Department of Forestry.

(h) All property which is forested or timbered shall be replanted with seedling trees, within one (1) year or the next growing season after the forestry operation is completed, unless the applicant can provide sufficient evidence to the zoning administrator as to why reforestation is not required. This provision shall not apply to property that is converted to a bona fide agricultural or improved pasture use as described in subsection B of Title 10.1-1163, Code of Virginia.

(i) If trees are removed from the buffer areas in excess of the provision of (f), the property owner shall be responsible for replanting the number removed with two and one-half inch (2 ½”) caliper trees. This provision shall not be deemed to preclude cutting or thinning necessitated by disease or infestation and recommended by the Virginia Department of Forestry.

(Ord. No. O97-18, 6/4/97; Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-420. Standards for farmers’ markets.

(a) Sales shall be limited to seasonal or perishable produce, including flowers and plants.

(b) A commercial entrance constructed to Virginia Department of Transportation standards shall be available for use by patrons.

(c) No fewer than five (5) off-street parking spaces shall be available for use by patrons. Additional parking spaces may be required by the zoning administrator upon a determination of their need based on the size of the market and site.

(d) No overnight storage of vehicles shall be permitted unless the vehicles are fully screened from view from adjacent properties and rights-of-way.

(e) These standards shall not be interpreted to preclude the operation of farmers’ markets on a routine or occasional basis as an accessory use to other commercial establishments or in a manner which shares parking, entrances, and the like with other commercial uses.


DIVISION 3. COMMUNITY USES (CATEGORY 4)

Sec. 24.1-423. Standards for all community uses.

(a) Outdoor recreational facilities such as swimming pools and tennis courts shall be not less than fifty feet (50') from any residential property line external to the development served. Such facilities shall be effectively screened from view from properties external to the development served by landscaping or appropriate fencing materials. Ancillary buildings or structures associated with such facilities shall be subject to the setback and yard requirements specified in the district in which located.

(b) Off-street parking areas shall be provided in accordance with all applicable requirements of this chapter.
Such parking areas, as well as circulation drives and paved fire lanes, shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties external to the development served by landscaping supplemented, as necessary, with appropriate masonry or wooden fencing materials. The provisions of this section do not apply to neighborhood or community recreation or assembly facilities which are approved as a part of an overall plan of development for a subdivision or planned development.

(c) Site and building design shall be accomplished in a manner that will appropriately minimize and mitigate any noise associated with HVAC, emergency generator systems, or other mechanical equipment that would otherwise be audible on any adjacent residentially zoned property.

(d) Community uses may be established only by organizations, the charter and by-laws of which ensure that the organization shall be a cooperative established by the Virginia Real Estate Cooperative Act (section 55-425 et seq., Code of Virginia) or can achieve bona fide nonprofit status in accordance with the Internal Revenue Service guidelines.

Sec. 24.1-424. Standards for recreational uses.

(a) Recreational facilities shall be designed in a manner which minimizes their impacts on adjacent properties.

(b) Where recreation areas or facilities are proposed as a part of a residential development where housing units or lots are offered for sale, the areas or facilities shall be completed or substantially completed prior to the issuance of zoning certificates for any adjacent residential units.

(c) Recreational uses and facilities shall be designed in a manner which will promote and protect public safety. This shall include without limitation, effective security and safety lighting along pedestrian and bicycle routes and within parking lots, appropriate clear zones and surface around and beneath play apparatus, provision of emergency telephone capability, and such other similar things as the zoning administrator may deem appropriate or necessary.

(d) Security fencing, where required or desirable, shall be of a type which is compatible with the overall architecture, scale, and character of the recreation facility and the community which it serves.

(e) The zoning administrator may waive the requirement for completion and full plan implementation prior to the issuance of zoning certificates and, further, may waive some or all of the normally applicable surety requirements for recreational facility development which occurs after the community which it serves has been fully developed and where the type and financing of the community organization undertaking the project would so warrant.


DIVISION 4. EDUCATION USES (CATEGORY 5)

Sec. 24.1-427. Standards for all education uses.

(a) All off-street parking and loading spaces, circulation drives, and paved fire lanes for education uses shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials.

(b) Unless waived in writing by the zoning administrator at the time of application, a traffic impact study prepared in accordance with the standards established in article II of this chapter shall be submitted with all applications for educational uses. The study shall either find that such a facility will have no excessive or adverse impact on residential streets nor will there be a demonstrable safety hazard at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.

(c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.

(d) Site and building design shall be accomplished in a manner that will appropriately minimize and mitigate any noise associated with HVAC, emergency generator systems, or other mechanical equipment that would otherwise be audible on any adjacent residentially zoned property.
Sec. 24.1-428. Standards for pre-school, day care centers and nursery schools.

(a) Pre-school, day care centers and nursery schools shall be licensed by the Virginia Department of Family Services in accordance with the standards appropriate to the particular facility and intended use.

(b) Outdoor recreation area shall be provided in accordance with the standards established or recommended by the department of family services and the York County division of recreational services. Outdoor recreation space shall only include that area:

(1) Not covered by buildings or required off-street parking;

(2) Outside the limits of required front yards, infiltration yards, and buffer areas; and

(3) Which is suitable for and designed to accommodate active outdoor recreation activities and facilities appropriate to the ages of the children served and for which a license is issued.

(c) All outdoor play areas shall be enclosed by a fence of not less than four feet (4’) in height which is constructed of a suitable material as determined by the zoning administrator and which is designed to prevent or reduce noise impacts on adjacent residential property. The zoning administrator may require that views of fencing be partially or wholly obstructed by use of landscaping.

(d) All licenses, permits, and approvals from applicable regulatory agencies shall have been received prior to the use being established.


DIVISION 5. INSTITUTIONAL USES (CATEGORY 6)

Sec. 24.1-431. Standards for all institutional uses.

(a) All off-street parking and loading spaces, circulation drives, and paved fire lanes for institutional uses shall be located not less than twenty-five feet (25’) from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping supplemented, as necessary, by appropriate fencing materials.

(b) Unless waived in writing by the zoning administrator at the time of application, a traffic impact study prepared in accordance with the standards established in article II of this chapter shall be submitted with all applications for institutional uses. The study shall either find that such a facility will have no excessive or adverse impact on residential streets nor will there be a demonstrable safety hazard at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.

(c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.

(d) Site and building design shall be accomplished in a manner that will appropriately minimize and mitigate any noise associated with HVAC, emergency generator systems, or other mechanical equipment that would otherwise be audible on any adjacent residentially zoned property.

Sec. 24.1-432. Standards for Convents/Monasteries

(a) The minimum area of any parcel on which such uses may be proposed shall be four (4) times the minimum lot area for the zoning district in which located or 5 acres, whichever is less.

(b) The maximum number of resident occupants in such facility shall be established by the Board of Supervisors in consideration of the character of the site and the surrounding area, infrastructure and service delivery capacities, compatibility with existing and potential development in the area, and such other factors as the Board may deem appropriate.
(c) The provisions of Article VI – Off-Street Parking and Loading notwithstanding, the minimum required number of parking spaces shall be established by the Board of Supervisors on a case-by-case basis in consideration of the specific characteristics and operational policies of the proposed facility, as documented in writing by the applicant.

(Ord. No. 11-15(R), 11/16/11)

Sec. 24.1-433.  Reserved.

DIVISION 6. PUBLIC AND SEMI-PUBLIC USES (CATEGORY 7)

Sec. 24.1-434.  Standards for all public and semi-public uses.

(a) All off-street parking and loading spaces, circulation drives, and paved fire lanes for public and semi-public uses shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping supplemented, as necessary, by appropriate fencing materials.

(b) Unless waived in writing by the zoning administrator at the time of application, a traffic impact study prepared in accordance with the standards established in article II of this chapter shall be submitted with all applications for public and semi-public uses. The study shall either find that such a facility will have no excessive or adverse impact on residential streets nor will there be a demonstrable safety hazard at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.

(c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.

(d) Site and building design shall be accomplished in a manner that will appropriately minimize and mitigate any noise associated with HVAC, emergency generator systems, or other mechanical equipment that would otherwise be audible on any adjacent residentially zoned property.

(Ord. No. 11-15(R), 11/16/11)


(a) No interment shall be made within fifty feet (50') of a property line.

(b) Such uses shall be located so as to provide for safe and convenient access to public highways.

(c) A statement shall be obtained from an engineer, soil scientist, or other qualified professional stating that the ground-water and subsurface drainage will not be detrimentally affected by the proposed cemetery and vice-versa.

(d) Appropriate documents shall be executed to provide for the perpetual and continuous care and operation of the facility. Copies of such documents shall be filed with the zoning administrator and shall be reviewed and approved by the county attorney as being in conformance with the requirements of this subsection.

(e) When located in a residential zoning district, such use shall be designed in such a manner that does it not cause any adverse impact to the residential neighborhood.

(f) No cemetery shall be established on a parcel that is less than two (2) acres in size, however, logical extensions of existing cemeteries shall not be precluded.

(g) These provisions shall not be deemed to preclude the burial of animals or pets by their owners on their property.

(Ord. No. 98-18, 10/7/98)

Sec. 24.1-436.  Standards for animal shelters.

(a) All animals in animal shelters shall be kept in pens or other enclosures designed and maintained for secure confinement.

(b) The minimum setback for runs or pens shall be fifty feet (50') from any residential lot line. In addition, such runs or pens shall be subject to the locational standards for accessory uses as specified in article II.

DIVISION 7. TEMPORARY USES (CATEGORY 8)

Sec. 24.1-439.  Standards for carnival, circus, fair, festival, or similar special event.

Administrative permits may be issued for a temporary carnival, circus, fair, festival, or similar special event in any zoning district subject to the following:

(a)  The applicant or property owner shall post a letter of credit, cash, or similar guarantee in the amount of five thousand dollars ($5,000.00) with the zoning administrator to ensure that the grounds are left in a clean and sanitary manner. The zoning enforcement officer shall, within ten (10) days after the closing of such use, make a written report to the zoning administrator on the conditions of the grounds. If the above provisions have not been satisfied, the zoning administrator shall require the forfeiture of said guarantee in an amount sufficient to cover the cost of cleaning the area. The zoning administrator may waive or reduce the guarantee for bona fide non-profit civic groups which are located, organized, meet and operate in York County.

(b)  Prior to authorizing the opening of any such use to the public, the zoning administrator shall be satisfied that all enclosures, equipment, and facilities are:

   (1)  Equipped with safe and adequate plumbing, sanitary facilities and water supply, as required by the plumbing code;

   (2)  Equipped with safe and adequate electrical wiring, as required by the electrical code;

   (3)  Equipped with adequate and properly identified exit ways;

   (4)  Equipped with safe and adequate seating, if required;

   (5)  Treated so as to be fire resistant; and

   (6)  In general, a safe place for people to gather.

(c)  Adequate provisions shall be made for parking and safe and convenient ingress and egress. A sketch plan for such parking and circulation shall be submitted to the zoning administrator for review and approval. Access to the site shall be via a driveway constructed in accordance with all applicable Virginia Department of Transportation standards for temporary access. Parking of vehicles associated with such use on any street or highway right-of-way shall be cause for revocation of the permit unless such parking arrangements are specifically requested and shown on the sketch plan at time of application and approved as part of the issuance of the permit.


Administrative permits may be issued for the temporary outdoor sale of produce or other seasonal commodities subject to the following provisions:

(a)  The maximum term for any administrative permit authorized under this section shall be one (1) one-hundred-twenty-day (120) period during any year.

(b)  The applicant for such permit shall provide written evidence to the zoning administrator of the approval of the owner of the property on which such sale is to be conducted.

(c)  Prior to the opening of any such use, the director of public safety and the zoning administrator shall verify that all applicable code requirements have been met.

(d)  The applicant shall post a surety by cash or certified check in the amount of five hundred dollars ($500.00) to ensure that the site shall be maintained in a clean and sanitary condition at all times and shall be satisfactorily cleaned and restored subsequent to termination of the activity. The zoning enforcement officer shall, within ten (10) days of the closing of such use, report to the zoning administrator concerning the condition of the grounds and any corrective measures deemed necessary. The zoning administrator may waive or reduce the surety for bona fide non-profit civic groups which are located or-
Sec. 24.1-441. Standards for collection receptacles for recyclable materials.

Administrative permits may be issued for collection receptacles for recyclable materials which are available for use by the general public and are used temporarily or on a regularly scheduled occasional basis. The provisions of this section do not apply to individual recycling bins or receptacles used by individual homeowners or businesses.

(a) Such receptacles shall be intended to serve as collection points for recyclable materials such as paper, glass, metal, clothing and similar items.

(b) Such receptacles shall be clearly incidental and subordinate to the principal use of the property on which they are located.

(c) The receptacles shall not infringe on any vehicular or pedestrian access or circulation routes.

(d) The receptacle shall be positioned on the property so that it is readily accessible and so that adequate off-street parking space is available for persons desiring to deposit items in it.

(e) The receptacle, which may be a trailer, shall not be placed on a permanent foundation, nor shall it be connected to any utilities other than electrical service.

(f) A sign, clearly indicating the materials being collected and the recipient or beneficiary of the items or materials collected, shall be painted on or otherwise permanently affixed to the receptacle. Such sign shall not exceed sixteen (16) square feet in area.

(g) The applicant shall furnish written evidence of the approval of the owner of the property on which the receptacle is to be located.

(h) The applicant shall be responsible for the proper maintenance of the receptacle and the timely retrieval of deposited materials. No materials, litter, or debris shall be allowed to accumulate around or overflow from the approved collection receptacle.

(i) All applicable state and local business license regulations shall be complied with.

Sec. 24.1-442. Standards for temporary craft sales or shows.

Temporary administrative permits may be issued for craft sales and shows operated on a temporary basis subject to the following provisions:

(a) The applicant shall provide written evidence to the zoning administrator of the consent of the owner of the property on which such sale is to be conducted.

(b) The dates of the sale or show and hours of operation shall be noted as part of the permit application and approval. Craft shows or sales shall not extend for longer than seven (7) consecutive days.

(c) Goods, materials, or products associated with such uses shall not be stored out of doors on the site when said use is not in operation provided, however, that this restriction shall not apply to overnight storage between consecutive days of operation. For purposes of this section, Saturday and Monday shall be construed as consecutive days if the craft show or sale is not operated on the intervening Sunday.

(d) Access to the site shall be via a driveway constructed in accordance with all applicable Virginia Department of Transportation standards for temporary entrances.

(e) Vendor displays shall be arranged on the site so as to facilitate safe and convenient vehicular and pedestrian circulation.
(f) All parking demand generated by the vendors and patrons of the use must be accommodated by an off-street arrangement. Such off-street parking spaces shall be arranged so as to ensure safe and convenient pedestrian and vehicular circulation. Parking of vehicles associated with such use on any street or highway right-of-way shall be cause for revocation of the permit.

(g) Such use shall be operated in a clean and sanitary manner. All trash and debris shall be appropriately disposed of during and after each day of operation.

(h) The site shall be cleaned and restored subsequent to termination of the activity.

(i) All applicable state and local business license regulations shall be complied with.

(j) No more than one (1) craft show or sale may be operated on a parcel in any sixty (60) day period.

Sec. 24.1-443. Standards for flea markets.

Special use permits may be issued for flea markets operated on a temporary basis subject to the following provisions, the compliance with which shall be indicated on a detailed sketch plan drawn to scale submitted at the time of application.

(a) Outdoor flea markets may be operated only during daylight hours and for a maximum of seven (7) consecutive days.

(b) Goods, materials, or products associated with such uses shall not be stored out of doors on the site when the use is not in operation provided, however, that this restriction shall not apply to overnight storage between consecutive days of operation.

(c) Access to the site shall be via a driveway constructed in accordance with all applicable Virginia Department of Transportation standards for temporary commercial entrances.

(d) Vendor displays shall be arranged on the site so as to facilitate safe and convenient vehicular and pedestrian circulation and their locations shall be included on the sketch plan to permit review and analysis.

(e) All parking demand generated by the vendors and patrons of the use must be accommodated by an off-street arrangement. Such off-street parking spaces shall be arranged so as to ensure safe and convenient pedestrian and vehicular circulation. Parking of vehicles associated with such use on any street or highway right-of-way shall be cause for revocation of the permit.

(f) The applicant shall post a surety by cash, certified check, or letter of credit in the amount of five thousand dollars ($5,000.00) to ensure that the site is maintained in a clean and sanitary condition at all times and is satisfactorily cleaned and restored subsequent to termination of the activity. The zoning enforcement officer shall, within ten (10) days after the closing of the use, make a written report to the zoning administrator on the condition of the grounds. If the site has not been satisfactorily cleaned, the zoning administrator shall require the forfeiture of the performance guarantee. The zoning administrator may waive or reduce the surety for bona fide non-profit civic groups which are located, organized, meet, and operate in the county.

(g) All applicable state and local business license procedures and requirements shall be observed.

(h) No more than one (1) flea market per ninety (90) day period shall be operated on a parcel.

(Ord. No. 01-20(R), 10/16/01)

Sec. 24.1-444. Standards for temporary construction trailers and offices.

Administrative permits may be issued for trailers and industrialized building units used in conjunction with construction or land disturbing projects subject to the following:

(a) Such use shall be in conjunction with a bona fide construction or land disturbing project for which all necessary state and local permits have been obtained.

(b) The use, for office or storage purposes, of an industrialized building unit which meets the definition of "manufactured home," as established in section 24.1-104, may be authorized; however, such unit shall in no instance be utilized for residential purposes.

(c) The installation of construction trailers and offices shall be subject to all applicable permits and inspect-
tions as required by the Virginia Uniform Statewide Building Code.

(d) The location of such units on the site shall be in conformance with all applicable yard requirements of the zoning district in which located.

(e) The applicant shall post a surety by cash, certified check, or letter of credit in the amount of two thousand dollars ($2,000.00) per trailer or building, not to exceed ten thousand dollars ($10,000.00) per construction or land disturbing project, to guarantee the removal of such temporary trailer or building. Alternatively, the applicant may execute an agreement with the Building Official acknowledging that the Certificate of Occupancy for the site will be withheld until the temporary trailer is removed from the site.

(f) The permit shall be issued for a period not to exceed one year; however, such permit may be extended when the zoning administrator finds just cause.

(Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-445. Standards for temporary home while constructing a permanent residence.

Administrative permits may be issued for the use of existing homes or manufactured homes for residential occupancy during construction of a permanent residence, subject to the following:

(a) The existing home or the manufactured home shall be located on the lot upon which the permanent residence is being constructed and its use shall be limited to temporary occupancy by the owner of the lot. A building permit for construction of the permanent residence shall be secured prior to installation of a manufactured home.

(b) The permit shall be valid for a period of one (1) year and may be renewed once by the zoning administrator for an additional one (1) year period, if necessary. Additional extensions shall be authorized only by special use permit issued by the board in accordance with the procedures established in article I.

(c) At, or prior to the expiration of the permit or at the completion of construction, whichever occurs first, the existing dwelling shall be demolished and the debris removed, or the manufactured home shall be removed. No permanent certificate of occupancy shall be issued for the dwelling until the manufactured home has been removed or the existing dwelling demolished and the debris removed.

(d) If a manufactured home is utilized, its installation shall be subject to all inspections and approvals as required by the Virginia Uniform Statewide Building Code. Furthermore, the manufactured home shall be certified as meeting the "Manufactured Home Construction and Safety Standards" promulgated by the U. S. Department of Housing and Urban Development.

(e) The owner of the lot shall post a surety by cash, certified check, or letter of credit in the amount of two thousand five hundred dollars ($2,500.00) or the estimated cost of demolition and debris removal, whichever shall be greater, to ensure compliance with all provisions of this section.

Sec. 24.1-446. Standards for temporary use of trailers for office or business purposes.

Administrative permits may be issued for the temporary use of trailers for office or business purposes subject to the following provisions:

(a) Except as provided herein, the use of trailers for office, or business purposes shall be only on a temporary basis while permanent usable space is under construction.

(b) Issuance of building permits for such permanent construction activity shall be a prerequisite for authorization of a temporary administrative permit for a temporary trailer. Such trailer(s) shall be removed from the site within fourteen (14) days of the lapse of actual and substantial construction activity, expiration of an active building permit for the project, or issuance of the certificate of occupancy, whichever occurs first. Actual and substantial construction activity shall be determined by the zoning administrator, but in no case shall an administrative permit remain valid if there has been a continuous period of lapse in actual and substantial construction activity of ninety (90) days. The maximum term of any permit issued under the terms of this section shall be one hundred eighty (180) days; however, renewals may be authorized by the zoning administrator for good cause shown.

(c) All such trailers to be used for human occupancy shall meet all applicable building and fire code requirements.
(d) The subject trailer shall be located on the site in a position which does not impede construction of the permanent commercial or office space and which does not infringe upon required transitional buffers, setbacks or off-street parking space.

(e) The zoning administrator may, because of the visibility of the site or placement in relation to adjacent roads or properties, require that temporary trailers be landscaped, skirted, or otherwise be wholly or partially screened from view. This may include without limitation a requirement that transitional buffers and landscaped yards which are or would be required for permanent construction be installed either entirely or in part before use of the temporary trailer is permitted.

(f) Compliance with the above specified standards shall be demonstrated through the submission of a sketch plan, including a landscaping plan if deemed necessary by the zoning administrator, which depicts the proposed placement of the trailer and the site improvements. Such plan shall be approved by the zoning administrator prior to placement of the trailer on the site.

(g) Prior to placement of such trailer on the site, the applicant shall post with the zoning administrator a two thousand five hundred dollar ($2,500.00) letter of credit or cash escrow to ensure its removal in accordance with the time limits established herein and shall enter into an agreement, approved as to form and content by the county attorney, to effect the same. Alternatively, the applicant may execute an agreement with the Building Official acknowledging that the Certificate of Occupancy for the site will be withheld until the temporary trailer is removed from the site.


(a) The zoning administrator may authorize the use of trailers for temporary classroom purposes on the site of any public or private school.

(b) All such trailers to be used for human occupancy shall meet all applicable building and fire code requirements.

(c) The zoning administrator may, because of the visibility of the site or placement from adjacent roads or properties, require that temporary trailers be landscaped, skirted, or otherwise be wholly or partially screened from view. This may include without limitation a requirement that transitional buffers and landscaped yards which are or would be required for permanent construction be installed either entirely or in part before use of the temporary trailer is permitted.

(d) Compliance with the above specified standards shall be demonstrated through the submission of a sketch plan, including a landscaping plan if deemed necessary by the zoning administrator, which depicts the proposed placement of the trailer and the site improvements. Such plan shall be approved by the zoning administrator prior to placement of the trailer on the site.

Sec. 24.1-448. Standards for temporary use of tents or trailers in conjunction with special events.

Administrative permits may be issued for the temporary use of tents or trailers for office, storage or other purposes in conjunction with temporary special events such as fairs, festivals, sporting events or similar activities subject to the following provisions:

(a) All tents or trailers to be used for human occupancy shall be subject to all applicable building and fire code requirements.

(b) Such use may be authorized for a period coinciding with the event itself and periods not to exceed sixty (60) days prior to and after the event.

Sec. 24.1-449. Standards for temporary use of trailers for "truckload sales."

Administrative permits may be issued for the temporary use of trailers in conjunction with on-premises "truckload" sales events conducted by commercial establishments possessing a valid County business license subject to the following provisions:

(a) Such use may be authorized for a period not to exceed fifteen (15) days per event. No more than four (4) such "truckload" sales events may be conducted on the same premises by a single commercial estab-
lishment during any one calendar year. At least sixty (60) days shall transpire between such consecutive "truckload" sales events.

(b) Such trailer shall be parked on the site at a location where it will not obstruct safe and convenient vehicular and pedestrian circulation.

(c) No signs, pennants, or banners not otherwise authorized under the terms of this chapter may be attached to such trailer.

Sec. 24.1-450. Standards for temporary construction workers' parking areas associated with commercial or industrial construction projects but located in a residential zoning district.

(a) Temporary construction workers' parking areas shall be used solely for the parking of personal vehicles of construction workers engaged in a building project on the site or on an adjacent site.

(b) This provision shall not be interpreted as including a vehicle of any kind designed for or used in conjunction with construction of any kind.

(c) Such parking areas shall be buffered and screened as determined by the zoning administrator to be necessary based on the characteristics of the particular site and surrounding areas and the type of use to be undertaken.


Administrative permits may be issued for the temporary use of property as a construction lay-down area for the fabrication of materials to facilitate the construction of a structure occurring under the authority of a building permit issued by the county.

(a) The zoning administrator shall require the posting of surety by cash, certified check, letter of credit or other form deemed acceptable in the amount of one thousand dollars ($1,000.00) to ensure that the site is fully cleaned, the debris removed, and the vegetation restored.

(b) The maximum term shall be one (1) year; however, such permit may be renewed and extended by the zoning administrator for good cause shown.

Sec. 24.1-452. Standards for model home display parks.

(a) The minimum area for a Model Home Display Park shall be one (1) acre.

(b) Model homes may be displayed within a model home display park at a maximum density of five (5) model homes per acre. One (1) model home may also serve as an office for the display park. Accessory uses and structures may be permitted in accordance with article II of this chapter.

(c) All structures on-site shall be served by underground utilities and each model home shall be served by a water line and meter and sewer lateral unless specifically exempted by the zoning administrator in consideration of the degree of completion of the particular unit and the type of plumbing fixtures installed.

(d) The site shall be maintained in a clean and sanitary condition at all times.

(e) A site plan prepared in accordance with article V of this chapter must be submitted to and approved by the zoning administrator prior to the commencement of any building activity on the site. Subsequent site modifications involving the replacement of model units on the same general location on the site, as determined by the zoning administrator, may be authorized pursuant to building permit review without need for submission of a new site plan. Proposed modifications involving the placement of additional structures on the site shall require submission and approval of a site plan in accordance with applicable procedures.

(f) The conversion of any or all of the structures contained within a model home display park to a use other than as shown on the approved site plan shall require specific authorization from the zoning administrator.

(g) Upon termination of the model home display park operation the applicant shall, within sixty (60) days,
dismantle and remove the model home displays and return the site to a developable condition, as determined by the zoning administrator. Nothing herein shall be interpreted, however, to prevent the model homes from being converted to a use permitted in the district where located provided that all applicable code and building requirements are satisfied. Prior to issuance of a certificate of occupancy for the model home display park the applicant shall be required to post a surety in an amount and form determined acceptable by the county attorney and zoning administrator, to guarantee compliance with this condition.

Sec. 24.1-453. Mobile Food Vending Vehicles (Food Trucks).

When not in conjunction with a special event (such as a festival, concert, grand-opening, anniversary, or special sales event where food vending is allowed as accessory and incidental to the event) the operation of mobile food vending vehicles (aka – food trucks) on property zoned and developed for commercial or industrial use shall be permitted by administrative permit subject to the following provisions:

(a) The applicant shall provide the following to the zoning administrator:

1. A copy of a valid York County business license. Such business license shall be posted in the vehicle at all times when in operation in York County.

2. A copy of a valid health permit from the Virginia Department of Health stating that the mobile food vending operation meets all applicable standards. A valid health permit must be maintained for the duration of the permit.

(b) The administrative permit shall be issued for a period not to exceed one (1) year but may be renewed upon written request by the operator.

(c) In addition to the commercial and industrial districts listed under Section 24.1-306, *Table of land uses*, mobile food vending shall be allowed to operate in the commercial areas of any approved and developed planned development mixed use district (PD-MU).

(d) The following standards and conditions shall apply to all mobile food vending vehicle operations:

1. The operator must have written documentation of the consent of the owner(s) of the property or properties on which the mobile food vending vehicle will be operated;

2. Mobile food vending vehicles shall operate only on developed and occupied property and only during the hours when the business/industrial establishment on the premises is open for business;

3. Unless otherwise approved, mobile food vending vehicles shall be removed from any site when the on-premises establishment closes for the day. Prior to leaving the site, the vehicle operator shall pick up, remove, and dispose of all trash or refuse within at least twenty-five feet (25') of the vehicle that consists of materials originally dispensed from the vehicle, including any packages or containers or parts thereof used with or for dispensing the menu items sold from the vehicle.

4. One (1) temporary condiment station may be set up next to the vehicle. Such station may be covered by a roll-out cloth awning extending from the vehicle or by a temporary canopy not exceeding 10 feet by 10 feet in dimensions;

5. The volume of any background music played from the vehicle shall be limited so as not to be plainly audible beyond the property boundaries of the site where the vehicle is located, or at a distance of 100 feet from the vehicle, whichever is less;

6. Any lighting attached to the exterior of the vehicle or used to illuminate the menu boards or the customer waiting areas adjacent to the vehicle shall be provided with fixtures that do not produce light spill onto adjacent properties or into the night sky;

7. Receptacles, either those already available on a site or temporary/portable ones provided by the mobile food vehicle operator, shall be positioned conveniently for disposal of all trash, refuse, compost, and garbage generated by the use;

8. Any greywater, fats, oils, grease, or hazardous liquids generated in the mobile food vending operation shall be contained within the vehicle and transported off the property for proper disposal.

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disposal;

(9) Mobile food vending vehicles shall be parked at least one hundred (100) feet from any residential dwelling;

(10) Mobile food vending vehicles shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians. Such vehicles may be parked in an existing parking lot provided that any required parking spaces are not obstructed and made unavailable;

(11) Mobile food vending vehicles shall not be parked in or operated from a public street right-of-way;

(12) Not more than two (2) A-frame signs may be used to display and advertise menu items and other information associated with the mobile food vending operation. Such signs shall not exceed six (6) square feet in area (e.g., each face of the A-frame) and four (4) feet in height, shall be positioned within thirty (30) feet of the vehicle, and shall not be placed within a public road right-of-way. Signage that is permanently affixed to the vehicle shall be permitted; however, flags, banners, or other decorative appurtenances, whether attached or detached, shall not be allowed.

(e) The zoning administrator may revoke the permit at any time for failure of the permit holder to comply with any requirement of this chapter and to correct such noncompliance within the timeframe specified in a notice of violation. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the board of zoning appeals.

(Ord. No. 15-15(R), 1/19/16)

DIVISION 8. RECREATION AND AMUSEMENT USES (CATEGORY 9)

Sec. 24.1-454. Standards for all recreation and amusement uses.

(a) When recreation and amusement uses are to be located in or adjoining a residential district, all off-street parking and loading spaces shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by both landscaping and appropriate fencing materials.

(b) Unless waived in writing by the zoning administrator at the time of application, a traffic impact study prepared in accordance with the standards established in article II of this chapter shall be submitted with all applications for recreation and amusement use. The study shall either find that such a facility will have no excessive or adverse impact on residential streets nor will there be a demonstrable safety hazard at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.

(c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.

(d) Outdoor components of such uses, where located adjacent to residentially classified property, shall not be operated after 11:00 p.m. nor before 6:00 a.m.

(e) Provisions shall be made to adequately accommodate bicycle parking unless the zoning administrator determines such provision is unnecessary by reason of the location, hours of operation, or market orientation.

(f) Outdoor speaker or paging systems shall not be directed toward property lines and shall not be audible from adjacent residential properties.

Sec. 24.1-455. Standards for health, exercise and fitness centers.

(a) Outdoor recreation facilities associated with health, exercise and fitness centers shall be located not less than twenty-five feet (25') from any residential property line.

(b) Activities within health, exercise and fitness centers shall be screened from view from parking lots,
Sec. 24.1-456. Standards for amusement arcades, pool and billiard halls.

(a) Amusement arcades and pool and billiard halls shall not be located closer than one thousand feet (1,000') to any school nor within one hundred feet (100') of any residential lot line.

(b) Applications for such uses shall include proposed rules of operation which address:

1. procedures to preclude gambling and loitering;
2. regulations regarding the use of the establishment by school age children; and
3. procedures for enforcement of rules.

(c) Such other conditions may be imposed as may be deemed necessary to assure that the use will be compatible with, and will not adversely impact, the adjacent area. Such conditions and restrictions may include, but need not be limited to, the following:

1. hours of operation;
2. size of the establishment and number of amusement machines;
3. number of adult attendants required to be on the premises at all times; and
4. ability of law enforcement officers to view interior activities from the parking lot.

Sec. 24.1-457. Standards for firing ranges.

(a) With the exception of paintball ranges, only completely enclosed indoor firing ranges are permitted. Outdoor paintball ranges may be permitted.

(b) No structure except screening fences and identification signs used for firing ranges shall be located closer than one hundred feet (100') to any residential lot line.

(c) The protection of adjacent properties shall be assured by proper design, location, and orientation of structures, backstops, and firing lines. Outdoor paintball ranges shall be enclosed by security fencing or other means adequate to delineate the boundaries of the range. No part of an outdoor paintball range may be located within 300 feet of an occupied residentially zoned property, or such greater distance as may be required as a condition of a special use permit.

(d) The range shall be designed so that no range noise is audible at the property line. Documentation certified by an architect and professional engineer to this effect shall be submitted with site and building plans.

(Ord. No. 05-13(R), 5/17/05)

Sec. 24.1-458. Standards for miniature golf, waterslide, skateboard rink, baseball hitting range, golf driving range, and other outdoor commercial amusements.

(a) No structure except privacy or containment fences or sound baffles used as a part of miniature golf, waterslide, skateboard rink, baseball hitting range, golf driving range, or other outdoor commercial amusements shall be located closer than five hundred feet (500') to a residential property line or closer than one hundred feet (100') to any other property line except where a lesser dimension is approved by the Board of Supervisors in conjunction with the consideration of a special use permit application.

(b) Noise shall be contained on the site through the use of architectural and landscape means.

(Ord. No. O98-18, 10/7/98)
Sec. 24.1-459. Standards for country clubs and golf courses.

(a) Rain shelters and comfort stations shall observe a twenty-five foot (25') setback from residential property lines. No other structure used for or in conjunction with country clubs and golf courses except for privacy or containment fences shall be located within fifty feet (50') of any adjoining property which is in a residential district.

(b) Practice ranges, if lighted, shall have such lighting oriented so as to prevent objectionable glare and disturbances to adjacent residential areas and public rights-of-way.


(a) The minimum site area for campgrounds shall be ten (10) acres.

(b) Campgrounds shall have direct access to a public road which is adequately sized and surfaced to accommodate the traffic generated by the campground.

(c) Accessory commercial uses, exclusively for the use of patrons of the campground, may be approved. Such uses may include: coin operated laundry, convenience store, entertainment center or restaurant and snack bar.

(d) No structure except screening fences or identification signs or athletic facility shall be closer than fifty feet (50') to any residential lot line.

(e) The campground shall meet all applicable health department requirements and evidence to this effect must be submitted at the time of application.

(f) The only permanent residential occupancy permitted shall be for the resident owner or manager or security officer and their immediate family members.

Sec. 24.1-461. Standards for theme park, amphitheater, or stadium.

(a) Theme parks, amphitheaters and stadiums shall be surrounded by a Type 50 transitional buffer. In consideration of the particular character of such a proposed facility and its surroundings, the board may require a perimeter buffer area of greater depth or more intense landscaping.

(b) A parking study shall be performed by a professional qualified to do such studies in order to determine the parking needs of the use. In addition, a grassed area shall be reserved on the site to provide overflow parking capacity equal to not less than ten percent (10%) of the total parking spaces required by the study.

(c) A traffic study shall be prepared in accordance with the provisions of article II, division 5 of this chapter. The resulting access management plan and design shall ensure one clear lane for emergency access is maintained at all times for emergency personnel and equipment. Access roads and pedestrian walkways for the facility shall be designed for peak hour usage. Access drives to the facility shall be designed and sized, based on the traffic impact analysis, to accommodate the park volumes of vehicular traffic associated with arrivals and departures from the facility without unduly interrupting traffic flow on adjacent public rights-of-way.

(d) The facility shall be served by an appropriate communication system, including both signage and public address system, to ensure efficient operations, vehicular and pedestrian traffic circulation, crowd management and emergency notification capabilities.

(e) A noise analysis shall be prepared describing the projected sound transmission levels and frequencies, including those used in any radio broadcasting to on- or off-site receivers, or anticipated to be generated by the facilities or the events operated or conducted on the site. Such analysis shall include a discussion of both ambient and directional sound levels and frequency, and any proposed sound attenuation measures.

(f) A report shall be submitted describing the proposed methods of crowd control and management, including security, vehicular and pedestrian traffic, first aid, emergency access, emergency communications and staffing levels and training. Proposed hours of operation shall also be described in the report.
Sec. 24.1-462. Standards for marina, dock or boating facility (commercial).

(a) Commercial marinas, docks and boating facilities shall be designed in accordance with the “Criteria for the Siting of Marinas or Community Facilities for Boat Mooring” as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.

(b) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.

(c) All requirements of chapter 23.2, Chesapeake Bay Preservation Areas, shall be addressed as part of any plan approval.

(d) Restaurant facilities associated with commercial marinas shall be subject to the following requirements:

1) The restaurant shall be designed and operated as an accessory component of the marina. Restaurants shall not be permitted in conjunction with any marina having less than twenty (20) in-water berths/slips capable of accommodating a boat of at least sixteen (16) feet in length. Unless a greater size is authorized by a Special Use Permit, the maximum capacity (both indoor and outdoor dining space) of any restaurant established pursuant to these provisions shall be four (4) seats for every one (1) in-water berth/slip, but in no case greater than a 150-seat capacity. The maximum floor area of the dining area (both indoor and outdoor seating areas) and shall not exceed 25 square feet for each allowable seat.

2) The restaurant shall be located on the marina site and designed so as to be compatible in form, character, appearance and arrangement with adjacent properties. In order to prevent or minimize potential adverse impacts on such properties, including but not limited to noise, light and odor, the following site and building design standards shall be observed. For the purposes of the following performance standards, the term “adjacent” shall be deemed to include properties located across a body of water:

   a) Every reasonable effort shall be made to orient the principal and service entrances to the restaurant away from adjacent residentially-zoned property. The minimum unobstructed distance (measured on a line-of-sight) between the principal and service entrances to the restaurant and any adjacent existing residential structure on residentially zoned property shall be 200 feet. However, if no other reasonable alternative exists, the principal and service entrances may be as close as 100 feet (measured on a line-of-sight) to such existing residential structure(s) on adjacent residentially-zoned property if buffered by appropriate landscaping and fencing. Appropriate landscaping shall consist of a row of leyland cypress spaced at 10 feet on centers, or an equivalent evergreen substitute as approved by the Zoning Administrator, and extending a sufficient linear distance to provide an effective screen between the two uses, and appropriate fencing shall be of a wooden board-on-board type extending the same distance as the landscaping and complying with the height limitations set out in this chapter. Buildings on the restaurant (marina) property may be credited as obstructing the line-of-sight as long as they remain in place. In the event an existing building is determined to provide the line-of-sight obstruction, the above-noted separation distances shall not apply. Should such buildings be removed in the future, the marina operator shall be responsible for establishing a substitute buffer approved by the Zoning Administrator.

   b) Entrance and exit doors shall be kept closed at all times of operation to avoid noise impacts. The loading or unloading of any delivery truck associated with the restaurant operation shall not be permitted between the hours of 6:00 p.m. and 7:00 a.m.

   c) Parking spaces likely to be used by restaurant patrons and employees shall be located so as to minimize impacts on adjacent residentially zoned property. Any such parking area located within 300 feet of a residential structure shall be screened from view by buildings, fencing, landscaping, or combinations thereof. The operator of the establishment shall be responsible to the greatest extent practicable for minimizing and eliminating loitering or congregations of individuals in the parking lot associated with the restaurant.

   d) Every reasonable effort shall be made to orient mechanical equipment such as refrigeration units, HVAC systems, venting systems, or other systems or components that might cause offensive or objectionable noise or odor so that they face away from adjacent residentially zoned property. All mechanical equipment, regardless of its location, shall be concealed from view from adjacent residentially-zoned properties by appropriate landscaping or architectural treatments and shielded to deflect noise and odor away from such properties.
e) Garbage, refuse and recycling containers shall be screened from view by a fence, wall or landscaping. Enclosures for such containers shall be located as far away as practicable from any adjacent residential structure and the restaurant operator shall be responsible for controlling odors through scheduling of collection, deodorizers or other means, so as not to be offensive to adjacent residential property owners. Refuse trucks shall not be permitted to service the dumpsters between the hours of 6:00 p.m. and 7:00 a.m.

(3) Any proposed outdoor dining areas shall be clearly depicted on the plans submitted with the application to establish the restaurant. Outdoor dining areas shall be located and designed so as to ensure the greatest degree of compatibility with adjacent residually zoned properties and shall be buffered from potential sound emissions to such residential properties by buildings, architectural treatments, landscaping, or combinations thereof. Such buffering and other treatments shall be designed to ensure that sounds (conversations, music) emanating from the outdoor dining area do not exceed the limits prescribed by Section 16-19 of the York County Code.

(4) Patrons of the restaurant may be admitted only between the hours of 6:00 a.m. and 10:00 p.m. and serving of food and beverages shall cease, and the restaurant shall close, no later than 11:00 p.m.

(5) The restaurant shall not include a specially-designed and dedicated dance floor nor shall live or recorded music be played (either indoors or outdoors) so as to exceed the limits prescribed by Section 16-19 of the York County Code.

(6) No outdoor paging or public address systems shall be permitted in conjunction with the restaurant.

(7) All outdoor lighting associated with the restaurant and including but not limited to, its appurtenant parking lots, walkways, and service areas shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent properties, rights-of-way, and waterways. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixtures and luminaries for such uses.

(8) The marina operator shall be responsible for ensuring that parking occurs only in designated off-street parking spaces and shall not allow marina/restaurant patrons to park in access drives, service drives, fire lanes or landscaped areas. The marina operator shall be responsible for installing / erecting appropriate curbing, bollards, fencing or similar measures needed to limit parking to the approved parking spaces on the site.

(9) The application for approval of a new marina with a restaurant, or for the addition or expansion of a restaurant at an existing marina, shall be accompanied by a traffic impact study prepared in accordance with the standards established in article II, division 5, of this chapter. Such study shall be required for all restaurant proposals, regardless of their size. Such study shall be based on the traffic generation figures associated with the marina, using the current ITE trip generation figures, and also including the restaurant as an additive traffic generator but at a factor of 25% of the volumes that would be expected if the restaurant were a stand-alone facility. Approval of the restaurant at the size proposed shall be contingent on demonstration through the traffic analysis that the capacity of the road system serving the marina can accommodate the projected traffic and that there will be no excessive or adverse impact on residential streets nor a demonstrable safety hazard to vehicular or pedestrian traffic along the access routes. The findings and conclusions of the traffic analysis shall be subject to approval by the Virginia Department of Transportation.

(10) The owner of any property desiring to establish a restaurant in conjunction with a marina but which does not propose compliance with the above-stated standards may request consideration of such alternate proposal by submitting an application for approval of a Special Use Permit. In reviewing such a request, the Board of Supervisors may modify and supplement the above-stated standards in such manner as it deems appropriate to the specific property and proposal.

(Ord. No. 01-10(R-1), 6/19/01; Ord. No. 05-34(R), 12/20/05)

Sec. 24.1-463. Standards for marina, dock or boating facility (private or club).

(a) Use of private marinas, docks, or boating facilities shall be limited to a specific membership and shall not be intended for the general public or commercial purposes.
(b) Private marinas, docks and boating facilities shall be designed in accordance with the "Criteria for the Siting of Marinas or Community Facilities for Boat Mooring" as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.

(c) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to the issuance of a zoning certificate for docks, piers or boat houses.

(d) All requirements of chapter 23.2, Chesapeake Bay Preservation Areas, shall be addressed as part of any plan approval.

(e) Restaurant facilities associated with private or club marinas shall be subject to the requirements set forth in Section 24.1-462 for commercial marina facilities.

(Ord. No. 01-10(R-1), 6/19/01; Ord. No. 05-34(R), 12/20/05)


DIVISION 9. COMMERCIAL AND RETAIL USES (CATEGORY 10)

Sec. 24.1-466. Standards for all commercial and retail uses.

(a) All off-street parking and loading space for all commercial and retail uses shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.

(b) When located in or adjacent to a residential area, the external appearance and arrangement of such facility shall be of a form, character, appearance and arrangement fully compatible with the residential area.

(c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.

(d) Outdoor speaker or paging systems shall be directed away from property lines and shall not be audible on adjacent properties or rights-of-way.

(e) Appropriate and adequate facilities for accommodating bicycle parking and other alternative transportation modes shall be provided which are safe, secure, and convenient.

(f) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40') unless the district in which the use is located allows a lesser setback for the principal structure.

(g) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a commercial or retail operation shall be subject to the performance standards set forth in sections 24.1-475, 477, and 478 of this chapter.

(h) For retail uses otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area. Any redevelopment involving an addition, expansion, renovation, enlargement, or other modification of an existing development that would increase the gross floor area to 80,000 or more square feet shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter.

(Ord. No. 00-15, 8/15/00; Ord. No. 04-2(R), 3/2/04)

Sec. 24.1-467. Standards for convenience stores.

(a) Convenience stores may have access only to streets classified as major collectors or a higher order.
(b) A traffic impact analysis must be performed in accordance with the requirements of article II, division 5. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.

(c) Deliveries to such uses located adjacent to residential areas shall not occur after 11:00 p.m. or before 6:00 a.m.

(d) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') in height.

(e) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a convenience store operation shall be subject to the performance standards set forth in sections 24.1-475, 477, and 478 of this chapter.

Sec. 24.1-468. Standards for lumberyards and building materials establishments.

(a) Outdoor storage yards or areas for lumber or building materials and delivery vehicles shall be designed and located so as to minimize visual impacts on adjacent properties and public rights-of-way. Landscaping supplemented by fencing shall be utilized so as to enclose and screen such storage yards in a manner which disrupts direct views of the storage yard from adjacent rights-of-way and properties. The location of such outdoor storage areas shall be consistent with all applicable standards of the district in which located.

(b) Such uses shall be designed to minimize the noise impact of trucks, forklifts, and other heavy equipment on adjacent properties and to prevent such noise from being audible on adjacent or nearby residential properties at any greater level than typical for residential areas.

Sec. 24.1-469. Reserved.

DIVISION 10. BUSINESS AND PROFESSIONAL SERVICE USES (CATEGORY 11)

Sec. 24.1-470. Standards for all business and professional service uses.

(a) All off-street parking and loading space for business and professional services shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials. The setback/screening requirement shall also apply to all circulation drives serving the business/professional service.

(b) When located in or adjacent to a residential area, the external appearance and arrangement of such facility shall be of a form, character, appearance and arrangement fully compatible with the residential area.

(c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.

(d) Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets.

(e) Appropriate and adequate facilities for accommodating bicycle parking and other alternative transportation modes shall be provided which are safe, secure, and convenient.

(Ord. No. 05-13(R), 5/17/05)

Sec. 24.1-470.1 Standards for tattoo parlors, pawn shops, and payday loan establishments

(a) Tattoo parlors, pawn shops or payday loan establishments shall not be located on property that is within ½ mile (2,640 feet) of property occupied by: a place of worship; a public, parochial or private
school (K thru 12); a public library; or, a public park or athletic field or facility.

(b) No tattoo parlor shall be located such that its principal façade or any wall or freestanding signage associated with the establishment is visible from any Primary System road in the County.

(Ord. No. 06-21, 9/19/06)

Sec. 24.1-471. Standards for professional offices in multi-family residential districts.

(a) Professional offices in multi-family residential districts shall be limited to offices, studios, or occupational rooms for professional persons such as, but not necessarily limited to, physicians, duly licensed practitioners of behavioral sciences, attorneys, professional engineers, planners, surveyors, architects, accountants, real estate appraisers or brokers, or insurance agents.

(b) Such office facilities shall have direct access to an existing or planned street classified as a collector or higher order street. No access to residential access streets shall be permitted.

(c) The external appearance and arrangement of such facility shall be of a form and character which is compatible with the appearance, arrangement, and character of the residential area in which located.

Sec. 24.1-472. Standards for timeshare resorts (interval ownership).

(a) Timeshare resorts shall be comprised of two or more residential units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.

(b) Permanent year-round residential occupancy of any units by any individual or family other than that of a resident manager or caretaker and family thereof shall not be permitted.

(c) All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer’s legal counsel that the referenced standards have been met shall be submitted with development plans.

(d) For any timeshare section of a resort composed entirely of individual detached units, duplexes, or a combination thereof, the following site design standards shall apply, in addition to the standards set out elsewhere in this chapter:

(1) The minimum distance between any two residential buildings within the timeshare resort shall be fifteen feet (15’), provided, however, that the fire chief shall approve the fire protection measures for any development where principal buildings are separated by less than twenty feet (20’). Up to ten percent (10%) of the total approved timeshare units may have a minimum building separation below fifteen feet (15’), and governed by the building code, upon a finding by the zoning administrator that the reduction is necessary due to specific site constraints and limitations including, but not limited to, steep slopes, wetlands and the preservation of mature trees. In such instances, no more than two (2) adjacent buildings may receive the reductions and such buildings must be offset with no adjacent parallel exterior walls. All fire protection measures and final building locations shall be approved by the fire chief.

(2) Private internal streets within the development that provide direct access to individual units shall have a minimum pavement width of twenty feet (20’). Where such streets are located between opposing parking bays with a ninety degree (90°) angle of parking, the parking spaces within such bays shall have a minimum length of twenty feet (20’).

(3) A cul-de-sac or other appropriate turnaround, such as but not limited to those depicted in Figure VIII-1 in Appendix A, shall be provided at the end of all private streets, provided, however, that any alternative turnaround designs are deemed acceptable by the fire chief and the zoning administrator. To ensure emergency vehicle access throughout the development, dead end streets may be connected to each other with all-weather access trails utilizing grass paving systems capable of supporting emergency vehicles. All such access trails shall be maintained by the timeshare resort in a continually passable condition and shall be subject to approval by the fire chief and the zoning administrator.

(4) In lieu of the provisions of section 24.1-244(b)(2), parking lots shall be set apart from land-
scaped areas by a permanent curb or wheel stop or other device, such as shrubs, decorative fencing or bollards, providing an adequate physical barrier, in the opinion of the zoning administrator, between parking spaces and landscaped yards.

(5) Notwithstanding the provisions of section 24.1-244(b), a landscaped open space strip a minimum of five feet (5') in width shall be provided between off-street parking and any timeshare building on the site. This provision shall not apply to clubhouses, community recreation facilities, and areas where parking spaces are grouped in bays of five (5) or more.

(6) Tandem or stacked parking may be utilized for up to ten percent (10%) of the required off-street parking upon a finding by the zoning administrator that such design is necessary due to specific site constraints and limitations including, but not limited to, steep slopes, wetlands and the preservation of mature trees. Each space shall be minimum dimensions of nine feet by thirty-eight feet (9' x 38').

(Sec. 24.1-473. Standards for drive-in, fast food and carry-out delivery restaurants.

(a) Drive-In, fast food, and carry-out delivery restaurants may have access only to streets classified as major collector or a higher order.

(b) A traffic impact analysis must be performed in accordance with the requirements of article II, division 5. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.

(c) Deliveries to such uses located adjacent to residential areas shall not occur after 11:00 p.m. or before 6:00 a.m.

(d) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') in height.

(Sec. 24.1-474. Standards for commercial reception hall or conference center.

(a) The reception hall/conference center shall be located on the site and designed so as to be compatible in form, character, appearance and arrangement with adjacent properties. In order to prevent or minimize potential adverse impacts on such properties, including but not limited to noise, light and odor, the following site and building design standards shall be observed. For the purposes of the following performance standards, the term "adjacent" shall be deemed to include properties located across a body of water:

1. Every reasonable effort shall be made to orient the principal and service entrances to the facility away from adjacent residentially-zoned property. The minimum unobstructed distance (measured on a line-of-sight) between the principal and service entrances to the facility and any adjacent existing residential structure on residentially zoned property shall be 200 feet. However, if no other reasonable alternative exists, the principal and service entrances may be as close as 100 feet (measured on a line-of-sight) to such existing residential structure(s) on adjacent residentially-zoned property if buffered by appropriate landscaping and fencing. Appropriate landscaping shall consist of a row of leyland cypress spaced at 10 feet on centers, or an equivalent evergreen substitute as approved by the Zoning Administrator, and extending a sufficient linear distance to provide an effective screen between the two uses, and appropriate fencing shall be of a wooden board-on-board type extending the same distance as the landscaping and complying with the height limitations set out in this chapter. Buildings on the reception hall/conference center site may be credited as obstructing the line-of-sight as long as they remain in place. In the event an existing building is determined to provide the line-of-sight obstruction, the above-noted separation distances shall not apply. Should such buildings be removed in the future, reception hall/convention center operator shall be responsible for establishing a substitute buffer approved by the Zoning Administrator.

2. Entrance and exit doors shall be kept closed at all times of operation to avoid noise impacts. The loading or unloading of any delivery truck associated with the facility operation shall not be permitted between the hours of 6:00 p.m. and 7:00 a.m.
3. Parking spaces likely to be used by facility patrons and employees shall be located so as to minimize impacts on adjacent residentially zoned property. Any such parking area located within 300 feet of a residential structure shall be screened from view by buildings, fencing, landscaping, or combinations thereof. The operator of the establishment shall be responsible to the greatest extent practicable for minimizing and eliminating loitering or congregations of individuals in the parking lot associated with the facility.

4. Every reasonable effort shall be made to orient mechanical equipment such as refrigeration units, HVAC systems, venting systems, or other systems or components that might cause offensive or objectionable noise or odor so that they face away from adjacent residentially zoned property. All mechanical equipment, regardless of its location, shall be concealed from view from adjacent residentially-zoned properties by appropriate landscaping or architectural treatments and shielded to deflect noise and odor away from such properties.

5. Garbage, refuse and recycling containers shall be screened from view by a fence, wall or landscaping. Enclosures for such containers shall be located as far away as practicable from any adjacent residential structure and the facility operator shall be responsible for controlling odors through scheduling of collection, deodorizers or other means, so as not to be offensive to adjacent residential property owners. Refuse trucks shall not be permitted to service the dumpsters between the hours of 6:00 p.m. and 7:00 a.m.

6. Any proposed outdoor reception or dining areas shall be clearly depicted on the plans submitted with the application to establish the facility. Outdoor reception/dining areas shall be located and designed so as to ensure the greatest degree of compatibility with adjacent residentially zoned properties and shall be buffered from potential sound emissions to such residential properties by buildings, architectural treatments, landscaping, or combinations thereof. Such buffering and other treatments shall be designed to ensure that sounds (conversations, music) emanating from the outdoor dining area do not exceed the limits prescribed by Section 16-19 of the York County Code.

(b) Patrons of the facility may be admitted only between the hours of 6:00 a.m. and 10:00 p.m. and serving of food and beverages shall cease, and the facility shall close, no later than 11:00 p.m., unless the Board of Supervisors authorizes a later closing time in conjunction with the use permit approval.

(c) No outdoor paging or public address systems shall be permitted in conjunction with the restaurant. The playing of live or recorded music, whether indoors or outdoors, shall comply in all respects with the terms of Section 16-19 of the York County Code.

(d) All outdoor lighting associated with the facility and including but not limited to, its appurtenant parking lots, walkways, and service areas shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent properties, rights-of-way, and waterways. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixtures and luminaries for such uses.

(e) The facility operator shall be responsible for ensuring that parking occurs only in designated off-street parking spaces and shall not allow facility patrons to park in access drives, service drives, fire lanes or landscaped areas. The facility operator shall be responsible for installing/erecting appropriate curbing, bollards, fencing or similar measures needed to limit parking to the approved parking spaces on the site. Off-street parking shall be provided in accordance with the ratios specified in article 6 of this chapter, provided however, that all indoor and outdoor spaces that will be used/available at the same time for events shall be included in the floor area calculations used as the basis for parking demand.

(f) The application for approval of such a facility shall be accompanied by a traffic impact study prepared in accordance with the standards established in article II, division 5, of this chapter. Such study shall be required for all reception hall/conference center proposals in the WC/I district, regardless of their size. Approval of the reception hall/convention center facility at the size proposed shall be contingent on demonstration through the traffic analysis that the capacity of the road system serving the facility can accommodate the projected traffic and that there will be no excessive or adverse impact on residential streets nor a demonstrable safety hazard to vehicular or pedestrian traffic along the access routes. The findings and conclusions of the traffic analysis shall be subject to approval by the Virginia Department of Transportation.

(Ord. No. 05-34(R), 12/20/05)
DIVISION 11. MOTOR VEHICLE AND TRANSPORTATION RELATED USES (CATEGORY 12)

Sec. 24.1-475. Standards for all motor vehicle and transportation related uses.

(a) All off-street parking and loading space for motor vehicle and transportation related uses shall be located not less than thirty-five feet (35') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemental, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.

(b) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.

(c) Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets. The playing of music on any outdoor speaker systems at a volume that can be heard at the property line shall be prohibited.

(d) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40') unless the district in which located allows a lesser setback for the principal structure. All lighting mounted on or under canopies shall be full-cutoff or recessed fixtures. No signage shall be attached to the canopy.

(e) Garage bay doors and semi-enclosed vehicles bays shall be screened from direct view from public streets by a combination of landscaping and earthforms. Any berms used shall comply with the requirements for providing sight triangles contained in section 24.1-242(c).

(f) Landscape plans for motor vehicle and transportation related uses shall be prepared and certified by a Virginia certified landscape architect.

(g) A hazardous materials management and stormwater runoff control plan detailing the methods to be employed to ensure that no hazardous or petroleum-based products are permitted to infiltrate into groundwater or surface water resources shall be prepared, submitted to, and approved by the health department, the department of environmental and development services and department of public safety prior to receiving site plan approval for such uses.

(h) No vehicle parking, storage or display associated with such uses shall be permitted to occur on adjacent public rights-of-way.

(Ord. No. 04-2(R), 3/2/04)

Sec. 24.1-476. Standards for automobile graveyards, junkyards.

(a) Automobile graveyards and junkyards shall comply in all respects with the terms of the county automobile graveyard and junkyard ordinance (Chapter 5, York County Code). For any automobile graveyard or junkyard approved after the date of the adoption or re- adoption of this section, any conflict between the requirements imposed by Chapter 5 and this section shall be resolved in favor of the more restrictive provision.

(b) No storage shall be located in any required yard, buffer area, infiltration yards, transitional areas, required open space, or similar areas.

(c) To protect the use and development of abutting and adjacent property, a screen of hardy evergreen vegetation, an earthen berm with evergreen vegetation, or a fence, or any combinations thereof, shall be established and neatly maintained along the perimeter of any storage area of an automobile graveyard or junkyard, provided, however:

(1) That where existing vegetation on the subject parcel effectively meets the requirements of a perimeter screen as set forth above, no additional screen shall be required.

(2) That an area not exceeding a total of twenty feet (20') in width shall be exempt, when such area provides access to a gate constructed of opaque materials leading into the storage area.
The screen established shall be nontransparent, shall be a minimum of eight (8) feet in height, and shall completely obscure the contents of any storage areas within the automobile graveyard or junkyard from view from the abutting and adjacent property and all public rights-of-way. Junked or inoperable vehicles and equipment shall not be placed or deposited on the site to a height greater than the height of the landscaping, fence or other screening method installed to comply with this section. The walls of a building may be used to form a part of the screen required by this section; provided, however, the display or storage of goods thereon shall be prohibited.

(d) Fences shall be installed in accordance with all applicable requirements of this chapter relative to the “finished side.” A greater height may be required by the county administrator in order to provide the necessary screening effect. Fencing shall be constructed using one or more of the following materials:

(1) Salt-treated or creosote-treated pine, cedar, cypress or similar decay resistant material.

(2) Protected metals, such as Teflon-coated steel, anodized aluminum or similar materials.

(3) Composite materials such as cementious planks, vinyl or PVC, or similar materials.

(4) Masonry construction such as brick, glazed terra-cotta or painted cinder block.

(e) Screening fences installed pursuant to this section shall not be used for billposting or other advertising purposes, except that a space may be used for the advertisement of the business of the owner thereof, when in compliance with the sign regulations contained in this chapter. Any advertising or identification sign placed on a fence shall be considered a freestanding sign and shall be subject to the limitations on freestanding signage established by this chapter.

(f) When landscaping is used to comply with the screening requirements, it shall be designed by a qualified professional, shall be suited to the area in which it is to be placed, and shall be sufficient in type, size and quantity to provide an immediate visual screen between ground level and eight (8) feet. All required landscaping shall be maintained in healthy condition and dead plant materials shall be removed and replaced within the next appropriate “planting season.”

(g) When an earthen berm is used to form the screen required by this section, the minimum slope shall be three-to-one (3:1) and it shall be completely landscaped with evergreen shrubbery or vegetation planted in accordance with a landscape plan prepared by a qualified professional.

(h) All areas between the perimeter screen required herein and the property line of an automobile graveyard or junkyard which are not occupied by buildings, walkways, off-street parking facilities, driveways and other structures and improvements, shall be covered with such landscaping (types and quantities) as is required for such areas under the terms of this chapter.

(i) All highway entrances, on-site driveways and off-street parking areas accessible by the customers at an automobile graveyard or junkyard shall be constructed of a permanent, dustless surface consisting of asphalt, concrete or any equivalent paving material. Areas required to be paved shall include specifically all customer parking areas and any vehicle display areas.

(j) The display and storage of goods and materials associated with an automobile graveyard or junkyard shall be prohibited between the required perimeter screen and the property line, and shall also be prohibited in such other areas where display and storage is prohibited under the terms of the zoning district in which the property is located. For the purposes of this section, goods or materials associated with the use shall be construed to include, but are not necessarily limited to: vehicles; parts of vehicles; and vehicle and engine parts. These restrictions notwithstanding, passenger-carrying motor vehicles that meet the following requirements may be parked and displayed in a paved display area, surfaced in accordance with the requirements of this section, when:

(1) The vehicle displays a current Virginia inspection sticker;

(2) The rated capacity of such vehicle is limited to twelve (12) passengers or fewer; and

(3) No such displayed vehicle has deflated tires, body damage rendering it incapable of being driven, missing wheels, tires, doors, hoods, trunk lids, fenders, major body panels or roofs, broken or removed window glass, or missing exterior body paint.

The number of such vehicles displayed shall be limited to one (1) vehicle per paved parking/display space and all such spaces shall be compliant with the parking space and parking lot dimensional and design standards established in article VI of this chapter. Specifically, such display area shall meet the setback, parking space dimensions and aisle width standards set out in those requirements. Double-parking of displayed vehicles so as to require one vehicle to be moved before another can have direct
access to a circulation drive aisle shall be prohibited. Parking spaces for displayed vehicles shall be in addition to such customer/employee parking requirements as are specified by the Zoning Ordinance or by Special Use Permit condition.

(Ord. No. 07-12, 7/17/07)

Sec. 24.1-477. Standards for auto fuel dispensing establishments, service stations and auto repair garages.

Automobile fuel dispensing establishments, service stations, and auto repair garages shall comply with the following standards:

(a) Automobile service and minor repairs shall be deemed to include engine tuneups, oil changes and lubrication, and the repair or installation of mufflers, tailpipes, exhaust pipes, catalytic converters, brakes, shock absorbers, tires, batteries, and similar automotive components as determined by the zoning administrator. Repairs specifically shall not include body work and painting.

(b) All repair or installation work shall be conducted indoors. Used or damaged equipment removed from vehicles during the repair process shall be stored indoors or shall be deposited in an approved covered outdoor collection receptacle for appropriate off-site disposal.

(c) Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permitted. Appropriate and adequate parking areas shall be provided and set aside on the site for such vehicles. No long-term (ninety (90) days or more) storage and parking of vehicles which require major repair work shall be permitted.

(d) Landscaping supplemented by fencing if necessary shall be utilized to fully screen vehicular storage areas and to partially screen direct views of fuel islands, structures, and service bays from adjacent properties and rights-of-way. The plan to accomplish this shall be designed and prepared by a certified landscape architect.

(e) A traffic impact analysis must be performed in accordance with the requirements for same contained in article II. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.

(f) No logo, brand name, or sign which is legible from adjacent public roads may be placed on pumps or pump islands.

(g) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') in height.

(h) In the event the fuel dispensing activity ceases at the automobile fuel supply establishment, written notice shall be provided by the owner/operator to the Zoning Administrator within seven days after such fuel dispensing activity ceases. In the event the fuel dispensing activity remains inactive for a period in excess of nine (9) months, the owner/operator shall be responsible for performing the following:

1. the tanks, tanklines, fueling equipment (including the gas pumps and fueling islands) shall be removed; all applicable state and federal environmental protection and mitigation requirements shall be observed in the removal and site restoration process;

2. the canopy shall be removed;

3. any inactive accessory car wash equipment associated with the fuel dispensing activity and the structure surrounding same shall be removed;

4. the real property in or on which the improvements listed in subsection (1), (2), and (3) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for same has been approved by the County. Except in the restored area that is established as landscaped green area, the paved area shall be re-striped to match the remainder of the parking lot.

The requirement to remove the above-noted equipment may be stayed for a maximum of six (6) months in the event the property owner provides documentation to the zoning administrator of the existence of an executed and pending contract for sale or lease of the property for the same use. If such an extension is granted, the actual conveyance, and the re-establishment of the use, must occur within said six (6) month
Sec. 24.1-478. Standards for car washes.

Car washes, whether a principal or accessory use, shall comply with the following standards:

(a) Car washes shall utilize a low-volume water recycling system which provides for an average of at least eighty percent (80%) recycled water per wash.

(b) A traffic impact analysis must be performed in accordance with the requirements in article II, division 5. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.

(c) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') in height.

(d) In the event the car wash activity, whether it is the principal or accessory use of the property, ceases operation, written notice shall be provided by the owner/operator to the Zoning Administrator within seven days after such activity ceases. In the event the car wash activity remains inactive for a period in excess of nine (9) months, the owner/operator shall be responsible for performing the following:

1. all car wash equipment and the structure surrounding same shall be removed;

2. the real property in or on which the improvements listed in subsection (1) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for same has been approved by the County. Except in the restored area that is established as landscaped green area, the paved area shall be re-striped to match the remainder of the parking lot.

The requirement to remove the above-noted equipment may be stayed for a maximum of six (6) months in the event the property owner provides documentation to the zoning administrator of the existence of an executed and pending contract for sale or lease of the property for the same use. If such an extension is granted, the actual conveyance, and the re-establishment of the use, must occur within said six (6) month period. In the event such contract lapses, the removal requirement shall be immediately reinstated.

(e) The requirement to remove the car wash equipment and surrounding structure listed in the preceding subsection shall be ensured by the property owner/operator through a maintenance agreement, approved as to form by the county attorney, whereby the property owner/operator shall covenant to perform the required removal of any such equipment/structure within ninety (90) days of notice by the County and grant authority to the County to perform such work at the property owner’s cost if the owner/operator should default on his obligations. The owner/operator shall cause such agreement to be recorded by the clerk of the circuit court and provide evidence of such recordation to the zoning administrator prior to issuance of any building permits for the proposed development.

Sec. 24.1-479. Standards for vehicle body work and painting.

Vehicle body work and painting establishments shall comply with the following requirements:

(a) All work shall be conducted indoors.

(b) Used or damaged equipment removed from vehicles during the process shall be stored indoors or shall be deposited in an approved covered outdoor collection receptacle for appropriate off-site disposal.

(c) Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permit-
Appropriate and adequate parking areas shall be provided and set aside on the site for such vehicles. No long-term storage (ninety (90) days or more) and parking of vehicles which require major repair work shall be permitted.

(d) Landscaping, supplemented by fencing if necessary, shall be utilized to fully screen vehicle storage areas from adjacent properties and street rights-of-way. The plan to accomplish this shall be designed and certified by a certified landscape architect.

(e) Ventilation systems shall be utilized which prevent objectionable emissions, including, without limitation, odors, paint particles, and residues from migrating to adjacent properties. Compliance with this standard shall be certified by a professional engineer or architect.

(f) When located adjacent to or near residential areas, sound baffles shall be utilized to prevent noise in excess of normal residential area background noise from being audible on adjacent and nearby residential properties.

(g) If adjacent to residential property, such uses shall not operate after 9:00 p.m. or before 7:00 a.m.

**Sec. 24.1-480. Reserved.**

**DIVISION 12. SHOPPING CENTER AND BUSINESS PARKS (CATEGORY 13)**

**Sec. 24.1-481. Standards for shopping centers.**

Shopping centers shall comply with the following performance standards:

(a) **Area requirements.** The minimum area required for the development of the various types of shopping centers, as defined in section 24.1-104, shall be as follows:

1. Neighborhood Center: minimum lot area of forty thousand (40,000) square feet. The definition of Neighborhood Center notwithstanding, a shopping center may have as much as 15,000 square feet of gross leasable floor area and still be considered a “Neighborhood Center” if off-street parking is calculated and provided at the Community Shopping Center ratio.

2. Community and Specialty Centers – minimum lot area of three (3) acres.

(3) For shopping centers otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area. Any redevelopment involving an addition, expansion, renovation, enlargement, or other modification of an existing development that would increase the gross floor area to 80,000 or more square feet shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter.

(b) **Special dimensional standards.** Proposed shopping center developments shall be subject to the special dimensional standards specified herein, notwithstanding the district in which located:

1. **Minimum lot width.**
   a. Neighborhood Center - one hundred seventy feet (170’)
   b. Community and Specialty Centers - two hundred thirty feet (230’)

2. **Minimum building setback.**
   a. Neighborhood Center
      1. Parking in front of center - seventy-five feet (75’)
      2. All parking at side or rear - thirty feet (30’)
   b. Community and Specialty Centers
      1. Parking in front of center - ninety feet (90’)
      2. All parking at side or rear - thirty feet (30’)

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c. For purposes of this paragraph only, "front" shall be determined by the principal road adjacent to the site and building orientation.

(3) **Minimum yard requirements.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Center -</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Community and Specialty Centers</td>
<td>25'</td>
<td>25'</td>
</tr>
</tbody>
</table>

(c) **Screening and landscaping standards.** Shopping centers shall be subject to the following screening and landscaping standards notwithstanding the regulations of the district in which the center is located:

1. A minimum twenty-foot (20') landscape yard shall be provided around the perimeter of the shopping center site. Along all public street frontages, landscape yards shall be expanded to twenty-five feet (25') and shall be landscaped with an appropriate combination of low-growing trees and shrubs to screen direct views of parking areas, but not necessarily the shopping center itself from adjacent public streets.

2. Minimum landscaped open space for shopping centers shall be twenty-five percent (25%) of the net developable area of the site. The area of the required perimeter landscape yards and parking lot landscaped islands may be included when calculating such percentage. No less than fifty percent (50%) of the required site landscaping shall be located in front of the principal building on the site. Where the shopping center site is larger than twenty (20) acres, the amount of landscaped open space required may be reduced to twenty percent (20%) provided that no less than sixty-five percent (65%) of the required open space is located in front of the principal building in the center and that direct views of parking from adjacent public roads are significantly disrupted by landscape methods.

3. Where no parking is provided or accommodated in front of the principal building on site, the otherwise required landscaping and open space may be reduced by twenty percent (20%) and the zoning administrator shall adjust the locational requirements of landscaping accordingly.

4. All service and loading areas shall be screened from view from public streets and from first floor windows in adjacent residential districts through landscaping supplemented by other appropriate methods.

5. Landscaping plans for shopping centers shall be prepared by a Virginia certified landscape architect.

(d) **Access and traffic control standards.**

1. A traffic impact analysis, prepared in accordance with article II, division 5 of this chapter, shall be submitted for review by the county and the Virginia Department of Transportation. The analysis shall address access and internal circulation arrangements for the center and any out-parcels. The recommendations of the analysis, unless specified otherwise by the department of transportation, shall be fully implemented.

2. Access to shopping center out-parcels shall be designed such that the internal circulation system alone provides adequate access to each proposed out-parcel. Individual access to existing public roads for out-parcels shall not be permitted except as may be approved by the zoning administrator upon the demonstration within the traffic impact analysis that such an individual access will improve internal circulation and not adversely affect traffic flows on the adjacent public roadway(s).

3. Accommodations for pedestrian circulation must be provided throughout the center and shall be appropriately separated from vehicular circulation in order to minimize congestion and safety hazards.

4. Bicycle use and circulation shall be adequately accommodated through, at a minimum, the provision of safe, secure, and convenient bicycle parking facilities.

5. In consultation with the county, an area or areas shall be designated for one or more transit service stops. Said area(s) shall be sufficient to accommodate a transit shelter and an easement shall be granted to the county to erect such shelter should the county in its sole discretion choose to do so. The area(s) designated may be counted toward meeting open space requirements if comprised of landscaped areas(s).

6. Buildings or groups of buildings within the center shall be oriented in relation to parking areas in
a manner which minimizes the need for internal automotive movement once patrons have entered the site. Facilities and access routes for shopping center deliveries, servicing, and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas.

(7) Lighting which is compatible in style and illumination with the architecture of the shopping center shall be provided at appropriate locations in order to adequately illuminate parking areas and vehicular and pedestrian circulation routes. All outside lighting on the site shall be arranged and shielded to prevent glare or reflection, nuisance, or inconvenience of any kind on adjoining streets or residential properties.

(Ord. No. 00-15, 8/15/00; Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-482. Standards for business parks and industrial parks.

(a) Business parks and industrial parks shall comply with the following performance standards:

(1) Permitted uses. Uses permitted in business parks and industrial parks shall include the various types of establishments and uses listed as being permitted in the Table of Land Uses for the particular district in which located. In addition, in recognition of the special and unique characteristics of this type of development, the following uses shall also be permitted:

a. Day care centers, nursery schools
b. Technical, vocational, business schools
c. Conference centers
d. Post office stations
e. Health, exercise, fitness centers, swimming pools
f. Golf courses
g. Florists
h. Office equipment and office supply retail sales
i. Banks, financial institutions, brokerages
j. Hotels, motels
k. Sit down and carry-out restaurants
l. Printing, photocopying, blueprinting, reprographic, telecommunication, mailing, facsimile reception/transmission services and other similar business services
m. Emergency care and first aid centers or clinics
n. Computer hardware and software development and installation, including retail sales and service
o. Transportation services, including but not limited to helipads
p. All uses permitted as a matter of right in the IL district shall also be permitted as a matter of right in a business or industrial park located in the EO district.

(2) Accessory uses. Uses permitted as accessory uses within an office park or a business park, however not permitted as free standing uses include:

a. Boutiques, wearing apparel shops
b. Book, magazine, and card shops
c. Barber and beauty shops, personal care and grooming shops
d. Apparel services
e. Convenience stores
(3) **Area standard.** The minimum area required for the development of property under these provisions shall be five (5) acres.

(4) **Design standards.** Any office or industrial park developed under these provisions shall provide the following minimum design features:

   a. Recorded restrictive covenants which serve to ensure the architectural and aesthetic unity of the proposed office or industrial park shall be established. Such covenants shall include controls to mandate that all building facades facing and visible to a public street or residential property be constructed of brick, architectural masonry, fluted block, glass, or an equivalent architectural treatment. Additional covenants relating to the design and maintenance of landscaping, environmental protection, buffering, fencing, and screening shall also be provided. Copies of the covenants shall be submitted to the county with development plans. The developers' legal counsel shall certify that the standards contained herein have been met and shall clearly define the manner in which met. These covenants shall be in addition to any covenants which may be necessary to comply with the provisions of division 17 of this article.

   b. All ground areas within the park not developed in buildings, roads, driveways, pedestrian walkways, parking areas, loading areas, lakes, utility and drainage structures, or storage facilities shall be maintained with grass or other suitable ground cover and further landscaped with trees, shrubs, and flowering plants so as to create and maintain a "park-like" environment.

   c. All streets and roads within the development shall be designed and dedicated for public use.

   d. Outdoor architectural lighting shall be provided at least at all major roadway intersections in order adequately to illuminate vehicular and pedestrian circulation routes, particularly at potential points of conflict. All outside lighting on the site shall be arranged and directed to prevent objectionable glare or reflection, nuisance, or inconvenience of any kind on adjoining streets or residentially classified or developed properties. Lighting fixtures and the intensity of illumination shall be compatible with both the natural and architectural characteristics of the development.

(5) **Open space, screening, and landscaping standards.** Proposed business park developments shall be subject to the following additional open space, screening, and landscaping standards notwithstanding the regulations of the district in which they are located:

   a. No outdoor storage of goods or materials shall be permitted in any front yard nor shall it encroach upon any required landscaping, public or private street right-of-way, parking facility, or loading space.

   b. All dumpster pads, loading areas and outdoor storage areas shall be screened from view of all public streets or residential properties by landscaping supplemented by masonry or wooden fencing.

   c. Parking facilities located in front of the principal building in business parks shall be landscaped to provide one (1) deciduous shade tree and three (3) shrubs per each five (5) parking spaces.

(6) **Access and traffic control standards.** Access and internal traffic circulation shall be designed to promote the safe and harmonious flow of vehicular and pedestrian traffic within the development and to limit the disruption of external traffic. The following general standards shall apply to all developments utilizing these provisions:

   a. Access to individual lots within the office park or industrial park shall be exclusively from a public internal road system. The zoning administrator may modify this requirement in consideration of the topography and configuration of the site.

   b. Buildings and uses or groups of buildings and uses within the development shall be oriented to each other and in relation to parking areas and pedestrian and bicycle circulation routes in order to minimize the need for excess internal traffic movements.

   c. Within business parks, bicycle and pedestrian circulation systems may be installed within the required front landscape yard of properties in the park.

(b) **Procedure.**
(1) The zoning administrator shall review and make a determination in writing regarding the applicability of these provisions to any particular development at the time that a preliminary site plan or subdivision plan is submitted for review to the county.

(2) In making a determination regarding the applicability of these provisions to any proposed development, the zoning administrator shall specifically review the following:

   a. The adequacy of the proposed restrictive and protective covenants in promoting and ensuring an aesthetically pleasing "park-like" environment.
   b. Compatibility of the proposed design with the policies established within the comprehensive plan.
   c. The provision of safe and convenient pedestrian and vehicular circulation and access.
   d. The adequacy of all proposed landscaping and screening or the ability to provide adequate landscaping and screening.
   e. Those features which serve to clearly differentiate the proposed park from typical office or industrial subdivisions.

(3) The restrictive and protective covenants required herein shall be recorded contemporaneously with the first plat.

(4) A traffic impact analysis prepared in accordance with article II, division 5 of this chapter shall be submitted to the county and the Virginia Department of Transportation at the time of application. The recommendations of said analysis shall, unless specified otherwise by the Virginia Department of Transportation or the zoning administrator, be fully implemented.

(5) The zoning administrator may deny requests for approval of business parks upon finding that such proposal does not meet the purposes, intent, or standards established herein, or when such proposal would not be in accord with adopted plans or policies, or would be incompatible with existing and planned land uses, or would create adverse traffic congestion and conditions beyond that which could occur as a matter of right, or would not be in furtherance of the public health, safety, or welfare.

(6) Final plats recorded for a business park and all deeds for lots within such development shall bear a statement indicating that the land is within an approved business park and shall specifically reference the existence of the restrictive and protective covenants.

DIVISION 13. WHOLESALING AND WAREHOUSING USES (CATEGORY 14)

Sec. 24.1-483. Standards for all wholesaling and warehouse uses.

(a) Warehouses and similar structures of thirty thousand (30,000) square feet or greater shall have fire lanes surrounding the structure(s) unless approved otherwise by the director of public safety.

(b) Outdoor storage shall be screened from view from adjacent residential properties.

(c) Outdoor storage shall not be located closer than twenty-five feet (25') to any property line.

(d) Bay doors shall be oriented away from streets and residential properties or screened from direct view by landscaping means.

(e) Such uses shall be designed to minimize the noise impact of trucks, forklifts, and other heavy equipment on adjacent properties and to prevent such noise from being audible on adjacent or nearby residential properties at any greater level than typical for residential areas.

(Ord. No. 06-19(R), 7/18/06)

Sec. 24.1-484. Standards for mini-storage warehouses.

(a) All storage for mini-storage warehouses shall be within a completely enclosed building, provided, however, that the outdoor accessory storage of recreational vehicles on the same site is acceptable if such storage is screened from view from adjacent streets and residential properties. However, no outdoor RV storage or parking shall be permitted in conjunction with any mini-warehouse facility located in a GB-
General Business zoning district.

(b) Loading docks shall not be permitted as part of the storage buildings. At least two exterior service doors shall be provided for any multi-story mini-warehouse facility. Such doors shall be at ground/sidewalk level. Exterior service doors for any multi-story mini-warehouse facility in a GB District shall not be located on any building exposure facing a public street and shall be limited to a maximum of one (1) each for other facades.

(c) Except for purposes of loading and unloading, there shall be no parking or storage of trucks, trailers, and moving vans.

(d) The minimum distance between warehouse buildings shall be twenty feet (20'). Where vehicular circulation lanes and parking and loading spaces are to be provided between structures, the minimum separation distance shall be increased accordingly in order to ensure vehicular and pedestrian safety and adequate emergency access.

(e) No activities such as sales or servicing of goods or materials shall be conducted from such storage units. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is a part of such business.

(f) Storage of hazardous and flammable materials shall not be permitted.

(g) The maximum length of any single single-story mini-storage building shall be two hundred (200') feet.

(h) If proposed in the GB-General Business district, multi-story mini-storage warehouse structures shall be designed to include retail or office space occupying at least 80% of the total floor area on the ground floor of the structure and not related to the mini-warehouse operation. Such retail and or office space shall be designed to occupy the entire first floor width of any building facade facing a public street. The remaining 20% of the first level floor area may include the entrance corridors, service elevator(s), manager’s office and other non-storage components associated with the self-storage units located on the upper levels of the structure.

In the GB District, all building facades of multi-story mini-storage warehouse structures shall be designed and constructed to meet the architectural design standards specified for the Route 17 Corridor Overlay District (section 24.1-378), whether or not said structure is located in the Route 17 overlay area. Consideration should be given to incorporating faux windows in the street-facing facades of the upper level storage areas to give the appearance of office space provided, however, that other appropriate design techniques may also be proposed and considered.

(Ord.No. 06-19(R), 7/18/06)

DIVISION 14. LIMITED INDUSTRIAL USES (CATEGORY 15)

Sec. 24.1-485. Standards for all limited industrial uses.

(a) All off-street parking and loading space for limited industrial uses shall be located not less than thirty-five feet (35') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials.

(b) Structures of thirty thousand (30,000) square feet or greater shall have fire lanes surrounding the structure(s) unless approved otherwise by the director of public safety.

(c) Bay doors shall be oriented away from streets and residential properties or screened from direct views by landscape means.

(d) Outdoor lighting shall be sufficient to protect public safety; however, it shall not cast unreasonable or objectionable glare on adjacent properties and streets.

(e) Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets.

(f) All industrial uses shall be conducted so as not to produce hazardous, objectionable or offensive conditions at or beyond property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid and liquid wastes, fire or explosion.

(g) Service drives or other areas shall be provided for off-street loading in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for circulation.
Sec. 24.1-486.  Standards for home improvement and building contractors' shops and storage yards.

(a) Storage yards for construction materials and equipment shall be designed and located so as to minimize visual impacts on adjacent properties and public rights-of-way. Landscaping supplemented by fencing, if necessary, shall be required to enclose and screen such storage yards from direct views from adjacent public streets or from adjacent commercial or residential properties. The location of such outdoor storage areas shall be consistent with all applicable standards of the district in which located.

(b) All portions of such storage yards shall be treated and maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public right-of-way. Such yards shall be maintained in a clean and orderly manner. Junk construction residue and debris shall not be permitted to be stored.

Sec. 24.1-487.  Standard for publishing and printing establishments.

All necessary state and federal environmental permits for the printing process shall be obtained, or evidence that they are not required provided, prior to approval of any plan of development for publishing and printing establishments.

Sec. 24.1-488.  Standards for recycling centers and plants.

(a) Unless operated within a fully enclosed building with sound attenuation materials or devices, mechanical motorized equipment shall not be located within two hundred feet (200') of any adjoining property which is within a residential zoning district. This shall not be interpreted to preclude the occasional use of trucks and loading or moving equipment, but is intended to apply to permanent or semi-permanent installation of large processing equipment.

(b) The proposed use shall have access to a public street of sufficient capacity to convey the anticipated traffic associated with the proposed use, as verified by a traffic impact statement provided by the applicant. Unless otherwise stipulated by the zoning administrator in recognition of the scale of the proposed use, the traffic impact statement need not be prepared in full compliance with article II - division IV, but shall be sufficient to determine whether the adjacent roads have sufficient capacity to accommodate the use.

(c) When located adjacent to or near residential area, sound baffles or other noise attenuation devices and structures shall be utilized to prevent noise in excess of normal residential area background noise from being audible on adjacent and nearby residential properties.

DIVISION 15.  GENERAL INDUSTRIAL USES (CATEGORY 16)

Sec. 24.1-489.  Standards for all general industrial uses.

(a) All off-street parking and loading space for general industrial uses shall be located not less than thirty-five feet (35') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials.

(b) Structures of thirty thousand (30,000) square feet or greater shall have fire lanes surrounding the structure(s) unless approved otherwise by the director of public safety.

(c) Outdoor lighting shall be sufficient to protect public safety, but shall be arranged so as to prevent objectionable glare on adjacent properties and streets.

(d) Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets.

(e) All industrial uses shall be conducted so as not to produce hazardous, objectionable or offensive conditions at or beyond property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid and liquid wastes, fire or explosion.

(f) Service drives or other areas shall be provided for off-street loading in such a way that in the process of
loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for circulation.

Sec. 24.1-490. Standards for extractive industries or surface mining (borrow pits).

No surface mine shall be established, operated, or enlarged except as shall be permitted by use permit, the provisions of article VIII dealing with nonconforming uses notwithstanding. In granting said use permit, the board may authorize the establishment of, or any expansion or enlargement of, surface mining operations, subject to the following conditions, as well as any other reasonable conditions which the board determines to be necessary.

The restoration or reclamation of nonconforming, inactive, or abandoned borrow pits utilizing clean fill soil and operated subject to the following conditions may be authorized by the zoning administrator. The depositing of any material other than clean fill soil shall be authorized only by a use permit issued by the board.

(a) Application requirements. Any application for the authorization of such use shall be accompanied by the following:

(1) A report and other supporting materials, applicable for operation or restoration of a mine, providing all information required under the application requirements of the Virginia Minerals Other than Coal Surface Mining Law and the Virginia Department of Environmental Quality.

(2) A standard soils analysis, including an analysis of the load bearing factors, of the property, prepared by a geologist who is certified by the American Institute of Professional Geologists, meets the requirements for certification as a geologist of the Commonwealth of Virginia, or is licensed as a geologist in another state, or by a standard testing laboratory, or by a Virginia registered civil engineer, or by a Virginia certified soils scientist, and approved by the Soil Conservation Service, and including results of test borings, and a written report setting forth the range of effects of the proposed operation upon the stability of soils, the water table, wells and septic fields on the subject property and all adjoining properties, and other soil factors which may have an effect upon nearby properties.

(3) The proposed date on which excavation will commence, the proposed date on which the excavation will be completed, and the proposed date that all required restoration measures are to be completed.

(4) A statement listing the public streets and highways to be used as haul routes.

(5) An estimate of the number of trucks proposed to enter and leave the property per day.

(6) The proposed hours of operation each day and the proposed days of operation during the week.

(7) A hydrology study containing the following:

a. Surface drainage data;

b. Location and depth of existing public and private wells, constructed drainage ways, and streams and other natural waterways;

c. Impact of excavation on existing public and private wells located within two thousand feet (2000') [600m] of the proposed boundaries of the surface mine;

d. Impact of excavation on quantity and quality of groundwater and surface water; and

e. Method(s) to be used to dispose of excess water during excavation, including details of any proposed filtration system(s).

(b) Requirements pertaining to location, operation, and restoration of surface mines

(1) No permit to operate, enlarge or extend a surface mine shall be issued for any tract or combination of contiguous tracts of land containing less than ten (10) acres. This minimum acreage shall not apply to proposals involving the restoration of nonconforming, inactive, or abandoned surface mines.

In the case of enlargement or extension of existing surface mining operations, both the existing surface mine and any proposed extension or enlargement thereof shall be subject to all requirements set forth herein.
No permit shall be approved for any location which is in close proximity to existing development or any area that the board finds is undergoing, or is likely in the reasonably near future to undergo, development, whether residential, commercial or industrial, which development would, in the opinion of the board, be rendered impossible or adversely affected in any way by the existence or operation of such surface mine. No such permit shall be granted if, in the opinion of the board, the site is not likely to be restored to a usable and productive purpose and a condition conducive to the public health, safety and welfare.

(2) **Access requirements.**

a. Local residential streets shall not be used for access to the surface mining operations. The permittee shall be limited to using those routes which are specified in his application and approved by the board in authorizing the use permit.

b. In the case of mining and restoration projects, all on-site access roads and driveways shall be maintained so as to prevent the creation of dust and shall have an appropriate surface treatment which will prevent the depositing of mud, debris, or dust onto any public street.

c. Any access road shall be a minimum of twenty feet (20') from any property line except at any point of access to any public right-of-way.

d. The zoning administrator or the board may, in consultation with VDOT, require the operator to post a letter of credit in an amount sufficient to cover any potential damages to the public road system attributable to the operation.

(3) All buildings, structures, storage areas, and accessory activities associated with the mining operation shall be subject to all applicable requirements of the zoning district in which the proposed surface mine is to be located. This is not to be interpreted to preclude the placement on-site of temporary accessory structures which are to be removed upon expiration of the permit.

(4) **Elimination of noise, dust, and vibration.**

a. All equipment used for the extraction or transportation of materials shall be constructed, maintained, and operated in such a manner as to eliminate any noise, dust, or vibration which would be injurious or annoying to persons living in the vicinity.

b. All storage areas, yards, service roads or other non-vegetated open areas within the boundaries of the surface mining area shall be maintained so as to prevent dust or other wind blown air pollutants. Proposed methods of dust control and equipment proposed for such control shall be included in the plan of operation and shall be located at the site during such operations.

c. Trucks shall not be loaded beyond design capacity and, if deemed necessary by the zoning administrator as a result of the types of materials being transported, shall be covered with a tarpaulin or other appropriate device so as to prevent hauled materials from being deposited or spilled during transport upon any public or private lands or property. In the case of restoration operations involving filling with construction debris or similar materials, the board may require that the applicant's procedures for operation include a requirement that all trucks hauling materials to the site and allowed to dump said materials have a tailgate or be covered or both in order to prevent materials from being spilled during transport. If established, compliance with said requirement shall be the responsibility of the operator of the site.

(5) The mining activity shall be conducted between sunrise and sunset and shall have no Sunday operations. This shall not be deemed to preclude necessary maintenance of equipment essential for public health and safety at other times.

(6) A fence of not less than six feet (6') in height, constructed of meshed wire or other materials, approved by the zoning administrator, shall be required around the portion of the site being mined, areas where equipment is being operated, and all access roads, if deemed necessary by the board in order to protect the public interest, safety, and welfare.

(7) Gates shall be constructed at all entrances and shall be kept locked at all times when operations are not underway.

(8) The site shall be conspicuously posted with "NO TRESPASSING" signs on its periphery. The signs shall be posted in such a manner and at such intervals as will give reasonable notice to
passersby that trespassing is prohibited. In recognition of the location of the proposed site the board may require the installation of a perimeter access and observation road around the area being mined. Such road, if required, shall be located outside of and adjacent to the required security fencing and shall be maintained at all times in a passable condition so as to allow patrol by law enforcement personnel.

(9) Setback areas for surface mine operations shall be:

a. Not less than two hundred feet (200') from any property line or street right-of-way in any zoning district.

b. Exterior limits of all areas to be excavated shall be delineated prior to beginning operation in accordance with the areas of excavation as shown on the approved operations plan with iron markers extending no less than five feet (5') above the surface of the earth.

(10) Surface mines shall be operated and maintained in a neat and orderly manner, free from junk, inoperable equipment, trash, or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Weeds shall be cut as frequently as necessary, but not less than twice a year. Only that equipment which is used in the operation of the surface mine shall be maintained and stored on the site, unless, however, vehicle storage or maintenance is permitted in the zoning district in which such mining activity is located.

(11) The following drainage requirements shall be met during the operation of the surface mine:

a. The property shall be graded so as to prevent standing water which would or could reasonably be expected to constitute a safety or health hazard.

b. Existing drainage channels shall not be altered in such a way that water backs up onto adjoining properties or that the peak flow of water leaving the site exceeds the capacity of the downstream drainage channel.

(12) During mining operations, no slope shall be created which will, through slides, sinking, collapse, or erosion, or any other means, cause any change in the elevation of the required setback area.

(13) The operation of the surface mine shall at all times comply with the applicable provisions of the Virginia Erosion and Sediment Control Handbook, 3rd Ed., 1992 or subsequent amendments thereto.

(14) Overburden shall not be removed from an area larger than could be mined within one year.

(15) The operation of the surface mine shall not be conducted in a manner which would or could reasonably be expected to cause negative impacts on groundwater level and quality. The soils analysis required as part of the use permit application shall set forth the particular methods of operation necessary to ensure that negative impacts will not occur. Such report shall be subject to the review and approval of the zoning administrator.

(16) The use of explosives in conjunction with the mining activity shall not be permitted.

(17) Maintenance of equipment shall be conducted in such a fashion as to not allow the depositing of oil, grease, or other deleterious materials on the ground or within the confines of any future lake area.

(c) Restoration.

(1) Restoration of excavated areas shall proceed in a coordinated and continuous manner designed to minimize the disturbed area and shall be subject to review and approval by the zoning administrator as each phase of the operation, as described in the Operations Plan, is completed.

(2) Restoration of excavated areas shall be accomplished using materials and procedures, approved by the zoning administrator, which will result in the site being restored to a condition capable of supporting the types of land uses envisioned by the adopted comprehensive plan. Materials and procedures for filling shall be described in the Restoration Plan. Filling shall meet the requirements of the State Health Department and chapter 10, Erosion and Sedimentation Control, of this Code. In the case of restoration and reclamation projects, fill materials shall be limited to clean soil unless the board, issues a special use permit which specifically permits filling with materials such as demolition wastes, construction wastes, tree trimmings, stumps and other inert wastes. Under no circumstances shall fill materials include household, commercial or industrial wastes, sludge material, asbestos, tires, ash, and any hazardous wastes, including the...
following general classes of materials:

a. oil and oil products;

b. radioactive materials;

c. any material transported in large commercial quantities (such as in 55-gallon drums), which:
   1. is a very soluble acid or base;
   2. causes abnormal growth of an organism or part thereof; or
   3. is highly biodegradable, exerting a severe oxygen demand;

d. biologically accumulative poisons;

e. the active ingredients of economic poisons that are or were ever registered in accordance with the provisions of the Federal Insecticide Fungicide and Rodenticide Act, as amended (7 USC 135 et seq.);

f. substances highly lethal to mammalian or aquatic life.

(3) Any overburden, unused stockpiles of materials, or topsoil stockpiles remaining at the completion of the mining operation shall be graded in such a manner as to conform with the approved restoration plan.

(4) Final grading of disturbed and restored areas shall not exceed a slope ratio of four horizontal to one vertical (4:1) or the normal angle of repose for the soil type on the site, whichever is less, except as required otherwise for slopes within proposed lakes or ponds. Slopes shall be improved with structures such as terraces, berms, waterways, etc. to accommodate surface waters, where necessary, and to minimize erosion due to surface runoff. Slopes shall be stabilized and protected with permanent vegetative or riprap covering. The surface of the restored surface mine site shall have a minimum slope of one percent (1%).

(5) Restored areas shall be planted with grass, trees, shrubs, or other vegetation to prevent erosion and to achieve a permanent and protective cover and enrich the soil. The types of vegetation to be used shall be described in the restoration plan and shall meet the requirements of the Virginia Minerals Other Than Coal Surface Mining Law. Revegetation shall take place as soon as is practicable based on seasonal growing conditions, after mining operations have ceased in the particular area involved.

(6) The site shall be graded so as to prevent standing water except in an approved lake or pond.

(7) The site shall be graded so as to ensure that natural and stormwater runoff, both on-site and off-site, can be adequately accommodated.

(8) Any proposed lakes or ponds shall be no less than seven feet (7’) in depth or such greater depth as may be determined necessary by the director of environmental and development services except as provided herein. A slope ratio of five horizontal to one vertical (5:1) shall be maintained from the mean shoreline to a depth of seven feet (7’). Below a depth of seven feet (7’) the slope shall be no more than the normal angle of repose for the soil type in the pond. Ponds shall be stocked with fish which will eliminate mosquito larvae and other insects as determined by the director of environmental and development services.

(9) The restored surface mine shall not be likely to adversely impact groundwater level and quality. The soils analysis required as part of the use permit application shall set forth the restoration methods necessary to ensure that negative impacts will not occur. Such report shall be subject to the review and approval of the zoning administrator.

(10) Residential streets shall not be used to access the site unless the board shall specifically authorize their use after conducting a duly advertised public hearing.

(11) Upon expiration of the use permit, or in the event active mining operations have ceased for any period exceeding twelve (12) consecutive months, all plants, buildings, structures (except fences), stockpiles, and equipment shall be removed from the site, unless such were indicated on the approved restoration plan, and the site shall be restored as described in said restoration plan.
(d) **Required plans.** Prior to commencement of the use, the following plans shall be submitted to the zoning administrator for review and approval:

1. **Site plan** - prepared in accordance with the requirements of article V of this ordinance.

2. **Operations plan containing the following information:**
   a. A general description of the type and quantity of equipment to be used in connection with the use, including bulldozers, cranes, washers, crushing equipment, trucks, and all other mechanical equipment.
   b. Operating practices proposed to be used to eliminate noise, dust, air contaminants, and vibration.
   c. Methods proposed to be used to prevent pollution or interruption of surface or underground water.
   d. Methods proposed to be used to prevent erosion of areas exposed during operation and prior to final restoration of the site. Also, methods proposed to be used to prevent sedimentation of waterways during operation and prior to final restoration of the site. Methods shall be in compliance with the Virginia Erosion and Sediment Control Handbook, 3rd Ed., 1992, or subsequent amendments thereto.
   e. Surface treatment of access roads to eliminate dust and deposit of mud on public roads.
   f. A statement of the estimated time and sequence within which excavation and any staged operation thereof is to be commenced after the granting of approval and the estimated time when each stage is to be completed and restored.
   g. Proposed methods for ensuring that oil, grease, or other deleterious materials from equipment maintenance are not deposited on the ground or within the confines of any proposed lake area.

3. **Restoration plan shall meet the following requirements:**
   a. The restoration plan shall provide for the following:
      1. A timetable for restoring the areas used for surface mining which incorporates the use of a coordinated and continuous method designed to minimize disturbed areas and which shows evidence of compliance with the following:
         a) Methods proposed for restoration shall be in compliance with the Virginia Erosion and Sediment Control Handbook, 3rd ed.; 1992, or subsequent amendments thereto;
         b) Final restoration work shall be initiated within one year after mining or related activity ceases on any segment of the site where mining has occurred and shall be completed within three years of the cessation of the mining activity.
      2. The proposed use of the site after restoration shall be stated and the ability of the restored site to accommodate the proposed use shall be demonstrated through a series of conceptual plans and sketches. The proposed use shall be consistent with the land use designation established for the site by the comprehensive plan.

         In the event there are no firm plans for future development of the site, a series of conceptual plans and sketches demonstrating that the physical attributes of the restored area could accommodate the types of land use envisioned by the comprehensive plan shall be prepared. It is understood that this may be a hypothetical exercise; however, it will be evaluated as such and will not be considered a commitment to the use portrayed.

   b. The restoration plan shall address the following where applicable:
      1. Restoration of stream banks and channels to prevent erosion, sedimentation, and other water pollution effects of stream flow from exceeding their degree before the mining.
2. Sloping and other control to stabilize final surfaces and minimize public haz-
ards.

3. Vegetating disturbed areas in a manner conducive to restoring them to a natu-
ral state consistent with the future use of the property and without any mainte-
nance being required.

4. Drainage control to prevent pools of water from becoming public nuisances or
health or safety hazards.

5. Immediate removal of structures and equipment after termination of the mining
or when it is no longer in use at the site.

6. Otherwise minimizing the adverse impact of the mined land on the livability,
value, and appropriate development of adjacent property.

c. Appropriately trained professionals, such as biologists and geologists, shall participate
in the development of the restoration plan to ensure and certify, to the extent possible,
the long term viability of any proposed lake or pond.

(e) **Processing and approval.** The zoning administrator shall be the final plan approving authority, however,
no final action shall be taken until the comments and recommendations of all reviewing agencies and de-
partments have been received.

(f) **General requirements.**

(1) The staging of the mining operation shall occur within a period not to exceed five (5) years un-
less a greater time period is authorized specifically by the board. Such period shall commence
on the date of approval of all plans and submissions required herein.

(2) The following requirements shall govern the posting, reduction, forfeiture, and release of surety
for surface mines:

a. Prior to commencement of the authorized activity, the permittee shall post with the zon-
ing administrator a certified check, letter of credit, or cash escrow with surety satisfac-
tory to the zoning administrator, approved as to form and content by the county attor-
ney, guaranteeing the faithful performance of all conditions and requirements of the
use permit. The amount of such surety shall be approved by the zoning administrator
and shall be sufficient to guarantee performance of approved and required methods of
operation such as, but not limited to, dust control, drainage, and erosion control, and to
guarantee the restoration of the site in accordance with the approved restoration plan
at such time as the restoration is scheduled to take place.

b. If the site is to be disturbed and restored in phases, the surety may be reduced in a
manner approved by the county attorney and an amount approved by the zoning ad-
ministrator as phases are completed and approved, leaving adequate surety to ensure
operation and restoration of the entire site in accordance with the approved operations
and restoration plans.

c. In the event the approved operation plan or approved restoration plan have not been
followed, the zoning administrator shall require the forfeiture of such surety to cover the
cost of necessary operational and restoration activities.

d. Except as provided hereinafore, surety shall not be released until the zoning adminis-
trator certifies that the requirements of the approved restoration plan have been met. In
this regard, the zoning administrator may, in order to evaluate the adequacy and suc-
cess of re-vegetation efforts, delay the final release of surety guarantee for two (2)
growing seasons after the time of planting.

(3) The following requirements shall govern any proposed changes in the approved plans of opera-
tions or restoration:

a. If a permittee proposes changes in an approved original plan, or if additional land not
shown as a part of the approved operation plan is to be disturbed, the permittee shall
submit an amended application, operations plan, and Restoration Plan which shall be
reviewed in the same manner as an original plan and shall be subject to all provisions
of this ordinance, as amended.

b. All amendments, changes, and modifications of plans shall be valid only when evi-
denced by a written approval from the zoning administrator.

c. A reasonable extension of time may be granted by the zoning administrator when he finds that weather conditions make compliance with an approved time schedule impractical.

Sec. 24.1-490.1 Standards for soil stockpiling.

(a) When soil is dumped or deposited on a parcel of land for the purpose of storage, whether temporary or long-term, and the deposits of soil cover a total cumulative land area exceeding 2,500 square feet, or the deposit exceeds eight (8) feet from the natural grade at its maximum height, then the activity shall be considered a soil stockpile and shall be subject to the permitting and performance standards set forth in this section and in section 24.1-306, provided, however, that the following specific activities shall not be considered to be soil stockpiling:

(1) Activity such as the removal and stockpiling of topsoil on a site being developed pursuant to a development or site plan approved by the county for that property;

(2) Placement of soil on a site for the purpose of changing the natural grade for purposes such as filling low spots, improving drainage, or improving the suitability of a site for building;

(3) Placement of soil for temporary storage purposes at depths greater than one (1) foot, covering a cumulative area of less than 2,500 square feet, and when all of the following conditions are met:

   a. the soil is not mounded higher above the natural existing grade than eight (8) feet;
   b. the deposits or mounds of soil are no closer to any property line than the minimum principal building setback for the district in which located;
   c. the soil deposits do not block, encroach on or otherwise adversely affect stormwater drainage;
   d. the soil deposits are not within the dripline of any tree on or abutting the subject property;
   e. the soil is removed from the site, or distributed and graded across the site to depths of less than one (1) foot, within one (1) year.

Any and all of the activities listed above shall be required to comply with all applicable Land Disturbing Activity permitting regulations and standards.

(b) Prohibited materials. Nothing herein shall be construed to allow the creation of stockpiles of anything other than clean soil, including, but not limited to, the following specifically prohibited materials:

   (1) the creation of stockpiles of any material constituting: commercial/business waste; construction, clearing and/or demolition waste; garbage; hazardous waste; household waste; industrial waste; institutional/governmental waste; residential/household waste; solid waste; trash; or, unacceptable waste as such terms are defined in chapter 19 of the York County Code.

   (2) the creation of stockpiles of sand, gravel, stone, wood chips/mulch or similar materials.

(c) Permitting. Unless authorized by an Administrative Permit in accordance with subsection (d) below, soil stockpiling shall be allowed only by Special Use Permit granted by the Board of Supervisors. In approving a Special Use Permit for a soil stockpiling operation, the Board of Supervisors may establish such term limits as it deems appropriate in consideration of the location and characteristics of the operation and its surroundings.

(d) Administrative Permits. The Zoning Administrator shall have the authority to approve Administrative Permits for temporary soil stockpiling in the RR-Rural Residential District for locations that are at least three hundred feet (300') from any existing residential structure on any adjacent residentially-zoned property, or in the non-residential districts for locations which are at least two hundred feet (200') from any existing residential structure on any adjacent residentially-zoned property.
Administrative Permits shall be limited to a maximum term of two (2) years and the temporary soil storage stockpile shall be removed from the site prior to the expiration of the Permit. In the event the operator wishes to maintain the temporary soil stockpile beyond the term of the Administrative Permit, he may apply to the Board of Supervisors for an extension, which extension may be granted by the Board by Resolution for such additional time period as the Board deems appropriate.

(e) Requirements pertaining to location and operation of soil stockpiles. Except as provided otherwise in subsection (d) regarding setbacks for Administrative Permit situations, all soil stockpiling permitted either by Administrative Permit or Special Use Permit shall be subject to the following conditions:

(1) Access.
   a. Local residential streets (i.e., those platted/created as a component of a recorded subdivision) shall not be used for access to the stockpile site. The permittee shall be limited to using those routes which are specified in the application and approved by the county in authorizing the permit.
   b. All on-site access roads and driveways shall be maintained so as to prevent the creation of dust and shall have an appropriate surface treatment which will prevent the depositing of mud, debris, or dust onto any public street.
   c. Any access road shall be a minimum of twenty feet (20') from any property line except at any point of access to any public right-of-way.
   d. If determined necessary by the Virginia Department of Transportation (VDOT), the operator shall be required to post a letter of credit in an amount sufficient to cover any potential damages to the public road system attributable to the operation.

(2) Soil stockpiles shall not be placed within the dripline of any tree nor shall the cutting or clearing of trees be permitted in order to provide space for a stockpile or any associated elements, such as haul roads.

(3) The activity shall be conducted between local sunrise and sunset and shall have no Sunday operations, unless for necessary maintenance of equipment essential for public health and safety.

(4) Elimination of noise, dust, and vibration.
   a. All equipment used for the transportation or movement/grading of soil shall be constructed, maintained, and operated in such a manner as to eliminate any noise, dust, or vibration which would be injurious or annoying to persons living in the vicinity.
   b. All service roads or other non-vegetated open areas within the boundaries of the site shall be maintained so as to prevent dust or other wind blown air pollutants. Proposed methods of dust control and equipment proposed for such control shall be included in the plan of operation and shall be located at the site during such operations.
   c. Trucks shall not be loaded beyond design capacity and loads shall be covered as required by state law so as to prevent hauled materials from being deposited or spilled during transport upon any public or private lands or property.

(5) Setback areas for soil stockpiles shall be:
   a. Not less than fifty (50) feet from any property line in any zoning district;
   b. Not less than one hundred (100) feet from any existing structure;

   All existing trees, bushes, shrubs and other vegetation within such setback areas shall be protected and preserved during and after the stockpiling operation and the approving authority may require the installation of trees or shrubs to help buffer the view of any stockpiles authorized on vacant/un-vegetated sites.

(6) The approved exterior limits of all areas where soil will be stockpiled shall be delineated with...
construction fencing or other method acceptable to the zoning administrator prior to beginning operation.

(7) The height of the soil stockpile shall be limited as a function of the following design parameters:
   a. one (1) foot of stockpile height for each two (2) feet of setback from any perimeter property line;
   b. side slopes shall not exceed 3:1 (horizontal:vertical);
   c. the absolute maximum height of any stockpile shall be twenty-five (25) feet in a residential district and forty (40) feet in a commercial or industrial district; and
   d. no stockpile shall exceed the height of the treeline on or abutting the stockpile site.

(8) The following drainage requirements shall be met during the operation:
   a. The property shall be graded so as to prevent standing water which would or could reasonably be expected to constitute a safety or health hazard.
   b. Existing drainage channels shall not be altered in such a way that water backs up onto adjoining properties or that the peak flow of water leaving the site exceeds the capacity of the downstream drainage channel.

(9) The operation shall at all times comply with the applicable provisions of the Virginia Erosion and Sediment Control Handbook promulgated by the Virginia Soil and Water Conservation Board.

(10) Maintenance of equipment shall be conducted in such a fashion as to not allow the depositing of oil, grease, or other deleterious materials on the ground or into drainageways.

(f) Required plans. An application for approval of an Administrative Permit or a Special Use Permit shall include a site plan and an operations plan, as follows:

(1) Site plan - prepared in sufficient detail to demonstrate compliance with all applicable performance standards.

(2) Operations plan containing the following information:
   a. The proposed date on which the operation will commence, the proposed date on which the operation will be completed, the proposed date that all required stabilization measures are to be completed, and a statement as to the proposed ultimate disposition of the stockpile and the length of time that it will remain on the site.
   b. A statement listing the public streets and highways to be used as haul routes.
   c. The proposed hours of operation each day and the proposed days of operation during the week.
   d. A general description of the type and quantity of equipment to be used in connection with the use, including bulldozers, trucks, and all other mechanical equipment.
   e. Operating practices proposed to be used to eliminate noise, dust, air contaminants, and vibration including information on the proposed treatment of access roads to eliminate dust and deposit of mud on public roads.
   f. Proposed methods for ensuring that oil, grease, or other deleterious materials from equipment maintenance are not deposited on the ground or within the confines of any drainageways.

Sec. 24.1-491. Standards for office and construction trailer storage yards.

Office and construction trailer storage yards shall conform with the following standards:
(a) Such establishments shall be for the purpose of storage of office and construction trailers which are available for rent or lease on a temporary basis in conjunction with construction projects being conducted on other sites.

(b) All setback, yard, and similar regulations of the district in which located shall apply to trailers stored or otherwise maintained on the property.

(c) All trailers stored at the site shall be in a condition which will allow their transport to construction sites and use for storage or office purposes. Trailers which have deteriorated to a condition not conducive to transport, storage or office use, as determined by the zoning administrator, shall not be permitted to be stored on the subject site.

(d) All such storage yards shall be screened from view from adjacent public rights-of-way by appropriate opaque privacy fencing and supplementary landscaping.

(e) A site plan shall be required for such uses.

Sec. 24.1-492. Standards for general industrial uses authorized by special use permit in the EO-Economic opportunity district.

(a) General industrial uses permitted by special use permit in the EO district shall be limited to those which involve the manufacture or assembly of specialty items such as pottery, crafts, toys, novelties, food, candy, beverages, decorations or similar items which are then offered for sale on a retail basis at an on-site outlet or other similar type of facility including those oriented primarily to the tourist market.

(b) The board shall find that the proposed activity and location is compatible with and will not adversely impact the overall development character envisioned by the EO district.

DIVISION 16. UTILITIES AND RELATED USES (CATEGORY 17)

Sec. 24.1-493. Standards for all utilities uses.

(a) The proposed location of the specific utility use shall be necessary for the efficient provision of service to customers. Documentation of the public necessity shall be submitted with applications and plans for such uses.

(b) All utility uses shall be conducted so as not to produce hazardous, objectionable, or offensive conditions at or beyond property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid and liquid wastes, fire, or explosion.

(c) Utility locations shall not be permitted in such a manner as would preclude or seriously hinder development of commercial and industrial properties except where it is demonstrated to the satisfaction of the zoning administrator that no alternative routing, location, or installation is practical or reasonably possible.

(d) Utility lines shall be parallel to and contiguous with property lines unless excepted by the zoning administrator for good cause shown.

(e) Landscaping and screening appropriate to the use shall be provided in all cases and especially when trees have been removed to accommodate the facility.

Sec. 24.1-494. Standards for radio, television, cellular telephone, and microwave towers.

(a) No zoning certificate for any radio, television, or microwave towers shall be issued until the applicant provides evidence that the Federal Aviation Administration has granted a permit for said tower or that no permit is required.

(b) The entrance to the subject property shall be constructed in accordance with Virginia Department of Transportation standards for commercial entrances.

(c) No communication equipment shall be installed which will in any way interfere with the county emergency
communications system. Should any equipment associated with such facility be found by the county to have such an impact, the owner shall be responsible for the elimination of the interference within twenty-four (24) hours of receipt of notice from the director of public safety or designee.

(d) If at any time the owner of the subject property ceases to use the tower, the owner shall dismantle and remove it within six (6) months after ceasing to use it.

Sec. 24.1-495. Standards pertaining to the storage, handling, transport, and disposal of fly ash, etc.

(a) Storage and disposal of fly ash.

(1) The applicant shall prepare a suitable long range plan for the operation and ultimate use and development of the proposed fly ash storage and disposal area. Such plan shall be approved by the zoning administrator prior to the issuance of the use permit.

(2) Storage and disposal sites shall be permitted only in areas classified for heavy industrial use.

(3) Coal or other solid fossil fuels, fly ash, bottom ash, or other particulate by-products shall not be deposited in places or in such a manner as would or could reasonably be expected to allow movement of said materials from the deposit area to other terrain, or into any surface water or groundwater supply.

(4) Such fly ash, bottom ash or other particulate by-products shall be covered daily with the type and amount of soil prescribed by the zoning administrator prior to the issuance of the use permit. The determination of the required depth of cover material shall be based on analysis of the characteristics of the material being stored or deposited, the characteristics of the soils in the storage and disposal area, the characteristics of the material to be used as cover, the anticipated future use of the site as indicated on the approved plan of operation and such other considerations as the board may deem appropriate.

Fill dirt or soil approved by the zoning administrator shall be progressively applied in each storage and disposal area as the final level of the fly ash, bottom ash, or other particulate by-product reaches its prescribed limits, and shall not await the filling of the entire storage and disposal area.

(5) Dust control methods, approved by the zoning administrator as appropriate, shall be implemented at all storage and disposal sites. No owner or other person shall cause, allow or permit any materials to be stored or disposed of without taking precautionary measures, approved by the zoning administrator as appropriate, to prevent particulate matter from becoming airborne or waterborne.

(6) The storage and disposal site shall be designed, constructed, and operated so as to prevent any contamination of groundwater or surface water.

(7) The storage and disposal site may be inspected by the zoning administrator or his designated representatives at any time. The applicant shall provide written authorization for such inspection visits prior to the issuance of the use permit.

(b) Transport and handling of fly ash.

(1) Dust control methods, approved by the zoning administrator as appropriate, shall be implemented at all loading and unloading sites, along all haul roads, and in conjunction with any other means of material transport or handling. No owner or other person shall cause, allow, or permit any materials to be handled or transported, or any roads to be used, constructed, altered, repaired or demolished without taking precautionary measures, approved by the zoning administrator as appropriate, to prevent particulate matter from becoming airborne or waterborne.

(2) Each truck, vehicle, or other mechanism used for hauling or transporting coal or other solid fossil fuels, fly ash, bottom ash or other particulate by-products shall be designed, covered and sealed so as to prevent such materials from being deposited or spilled during transport, upon any public or private lands or property, provided, however, that this requirement shall not apply to rail cars used to transport coal or other such fossil fuels to the site of use.

(3) Each and every truck, vehicle, or other mechanism used in the hauling and transportation of coal or other solid fossil fuels, fly ash, bottom ash or other particulate by-product shall be inspected and approved by the zoning administrator or his designated agent prior to its initial use.
for such purpose. All such trucks, vehicles, and mechanisms shall display an appropriate seal, issued by the zoning administrator, to indicate its compliance with the county's inspection requirements. Each such truck, vehicle, or mechanism may be inspected by the zoning administrator or his designated agent at any time. Such inspection shall be to determine whether or not such truck, vehicle or mechanism is being maintained and operated so as to prevent the deposit or spilling of any materials during transport. The applicant shall provide written authorization for such inspections prior to the issuance of the use permit. This requirement shall not be deemed to apply to rail cars used to transport coal or other such fossil fuels to the site of use.

(4) Transport, handling, and disposal of fly ash, bottom ash, cover material, and other particulate by-products shall be conducted only during the daylight hours.

(Div. No. 08-17(R), 3/17/09)

DIVISION 17. COMMON OPEN SPACE AND COMMON IMPROVEMENT REGULATIONS

Sec. 24.1-496. Applicability.

The regulations set forth in this division shall apply to the following features (referred to in this article as "common areas") in any development, except for time share resorts that comply with the requirements of section 24.1-472, where such features are proposed to be held in common ownership by the persons residing in or owning lots in the development:

(a) All lands in common open space, not a part of individual lots, designed for the mutual benefit of persons residing in or owning lots in the development, whether or not such lands are required by the provisions of this chapter; and

(b) All private streets, driveways, parking bays, drainage facilities, lakes, uses, facilities and buildings or portions thereof, as may be provided for the common use, benefit and enjoyment of the occupants of the development, whether or not such improvements are required by the provisions of this chapter.

Sec. 24.1-497. Declaration of covenants and restrictions.

Whenever a development includes common areas as described in section 24.1-496, the developer shall provide for and establish a nonprofit incorporated property owners association, or other legal entity under the laws of Virginia, for the ownership, care and maintenance of all such common areas.

(a) Such association shall be governed by a declaration of covenants and restrictions (referred to in this section as the "declaration") running with the land and shall be composed of all persons having ownership within the development. Such association shall be responsible for the perpetuation, care, and maintenance of all common areas.

(b) The covenants must provide that membership in the association by property owners shall be mandatory, and the association shall have the authority to, and shall assess its members for, such maintenance and improvements as set forth in the instrument creating the association, or as its members deem appropriate.

(c) Voting membership in the association shall, in the case of a residential subdivision, be comprised of a single class, with the owners of lots casting one (1) vote per lot owned. In the case of a non-residential development, voting rights shall be clearly stipulated in the declaration. In no case shall the developer of a residential development control the association beyond ten (10) years of the first lot being conveyed to a person or entity other than the developer.

(d) The declaration shall:

(1) Describe and identify all common areas as to location, size, use and control.

(2) Set forth the method of assessment for the maintenance of the common areas.

(3) Control the availability of the common areas, ensure that land, facilities, and other areas set aside for open space or common use may not be developed or used for an unapproved purpose in the future, and ensure that the common areas are maintained in their intended function in perpetuity unless and until the board by ordinance, authorizes and approves revisions.
(4) Set forth the schedule under which the developer must convey common property and facilities to the association. Such conveyance shall generally occur within thirty (30) days of completion of the facility unless otherwise stipulated in the declaration.

(5) Provide that the association shall not be dissolved nor shall such association dispose of any common areas by sale or otherwise, except to an organization conceived and organized to own and to maintain the common areas, without first offering to convey the same to the county or other appropriate governmental agency in exchange for compensation in an amount not exceeding the appraisal of a mutually acceptable appraiser.

(6) State that all covenant conditions required by this section shall remain in full force and effect unless the board of supervisors shall consent to an amendment of the declaration, or the county attorney shall verify that the requested amendment comports with the requirements of this section.

(e) The declaration shall provide a clearly defined procedure for the county to ensure a remedy in the event the association or any successor organizations, shall at any time after the establishment of the development fail to maintain the common areas in reasonable order and condition in accordance with the plans approved by the County.

(Ord. No. 05-13(R), 5/17/05)

Sec. 24.1-498. Submission requirements.

(a) Before a developer establishes a nonprofit organization as provided in section 24.1-497 above, the following documents shall be submitted to the county:

(1) The articles of incorporation or other documents which will establish or create the nonprofit property owners association.

(2) The proposed declaration of covenants and restrictions.

(3) The proposed bylaws of the association.

(4) An inventory of the lands and capital facilities to be owned and managed by the organization, the anticipated valuation of the capital improvements as of their expected completion, and the anticipated useful life of the major facility components. This information shall be accompanied by a certification statement signed by the developer attesting to its completeness and accuracy. The developer shall ensure that a copy of this inventory is provided to the initial board of directors of the organization so that it will be available to assist the association in fulfilling its obligations under the terms of Section 55-514.1 of the Code of Virginia.

(b) The developer shall submit to the county, along with the required articles of incorporation (or similar documents) and declaration of covenants and restrictions, a certification by an attorney licensed to practice law in the Commonwealth of Virginia that the attorney has reviewed such documents and that they comply with:

(1) the requirements of this article, and identifying where each requirement of section 24.1-497 is addressed;

(2) if applicable, the provisions of the Virginia Property Owners Association Act, section 55-508, et seq., Code of Virginia; and

(3) if applicable, the provisions of the Virginia Subdivided Land Sales Act of 1978, sections 55-336, et seq., Code of Virginia.

(4) any special requirements for covenants as may have been stipulated in rezoning proffers or other zoning or special use permit action approved by the board of supervisors.

The attorney shall also certify that the common areas, when conveyed to the association, will be conveyed without encumbrances or liens, other than easements for public utilities, and such other similar encumbrances as may be specifically identified in the declaration.

(c) The county attorney shall review and approve for consistency with the requirements of this article the certification submitted in conformance with subsection (b) above, and the articles of incorporation (or similar documents) and the declaration of covenants and restrictions. The county attorney’s approval shall be evidenced by signature on the documents submitted for recordation.
(d) Any proposed amendments to the articles of incorporation or declaration of covenants and restrictions or actions that would establish encumbrances on the common area shall be submitted to and reviewed by the county attorney to ensure compatibility with the terms of this article. The county attorney's approval shall be evidenced by signature on the documents.

(Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-499. Miscellaneous common area requirements and regulations.

(a) County not responsible for maintenance. Nothing contained herein shall be deemed to require the County of York to be responsible for the maintenance of any of the common areas required by this chapter.

(b) Relationship of residential lots to common area.

(1) Residential lots adjacent to common areas shall not be platted until the common area and any facilities thereon have been completed and the area has been conveyed to the association or other entity controlling such common ground or will be conveyed contemporaneously with platting.

(2) Alternatively, the zoning administrator may authorize such lots as described in paragraph (1) above to be platted provided that each person or entity to which any of these lots are subsequently conveyed prior to completion and conveyance of the common area execute a statement which clearly discloses to them what common area improvements are to be constructed, the anticipated duration of construction, and the estimated date of completion. The disclosure statement shall be prepared by an attorney licensed to practice law in Virginia and a copy shall be submitted to the county for approval prior to approval of a record plat. Executed disclosure statements shall be recorded contemporaneously with deeds conveying such lots.

(d) Use of techniques other than property owners associations. Where the ownership, maintenance and perpetuation of all or a portion of the common areas in a development are to be guaranteed by some method or measure other than the formation of a nonprofit incorporated property owners association, the county attorney and zoning administrator shall ensure that all relevant requirements of section 24.1-497 are substantially satisfied with respect to protecting the future property owners and ensuring the county's interest. Certification by an attorney licensed to practice law in Virginia that all relevant requirements have been satisfied and fully describing how they are met, and which requirements were deemed to not be relevant and why, shall be submitted with site plans or subdivision plats.
ARTICLE IX. APPEALS

Sec. 24.1-900. Board of zoning appeals established.

Pursuant to the requirements of title 15.2, Code of Virginia, there is hereby established a Board of Zoning Appeals for the County of York, Virginia.

The board of zoning appeals shall consist of five (5) residents of the county, one (1) of whom may be a member of the planning commission, each to be appointed by the judge of the county circuit court. The terms of office, organization, and procedures of this board shall be in accordance with the provisions established by section 15.2-2308, Code of Virginia.

(Ord. No. 05-34(R), 12/20/05)

Sec. 24.1-901. Powers and duties.

The board of zoning appeals shall have all the powers and duties as prescribed in section 15.2-2309, Code of Virginia, and as set forth below:

(a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or any amendment thereto or any modification of zoning requirements pursuant to section 24.1-902. The decision on such appeal shall be based on the board’s judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with Section 15.2-2309 of the Code of Virginia, notwithstanding any other provision of law, general or special.

(b) Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance and the criteria set out in Section 15.2-2309 of the Code of Virginia.

(1) Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

a. the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

b. the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

c. the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

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

e. the relief or remedy sought by the variance application is not available through the granting of a special use permit by the board of supervisors or the process for modification of a zoning ordinance pursuant to Section 24.1-113 of this chapter at the time of the filing of the variance application.
(2) In accordance with section 15.2-2309, Code of Virginia, in granting a variance, the board of zoning appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a performance guarantee to ensure that the conditions imposed are being and will continue to be complied with.

(3) Notwithstanding any other provision of law, general or special, any deviation from the normally applicable regulations of this chapter that is approved by the authorization of a variance shall thereafter be considered a conforming feature of the property. However, any construction authorized by such variance shall be allowed to expand further only to the extent that such expansion conforms with all applicable requirements of this chapter. Any expansion proposed within an area of the site or part of the structure which does not conform to all applicable zoning standards shall be permitted only if authorized by approval of another variance request.

c) To hear and decide applications for interpretation of the zoning map where there is any uncertainty as to the location of a district boundary.

d) None of the provisions of this section shall be construed as granting the board of zoning appeals the power to reclassify property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the board of supervisors.

Sec. 24.1-902. Administrative variance from setback requirements.

(a) Pursuant to section 15.2-2286.A.4, Code of Virginia, the zoning administrator may authorize a modification from any provision contained in this chapter with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure or improvements, upon finding in writing all of the following:

(1) The strict application of the chapter would produce undue hardship;

(2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

(3) The authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

(b) Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within twenty-one (21) days of the date of the notice. Notice shall be sent by first class mail and an affidavit of such mailing shall be kept in the file, or the applicant may personally deliver the notice to the adjacent property owners and request their written verification of receipt.

c) The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice provided pursuant to this section. The decision of the zoning administrator shall constitute a decision within the purview of section 24.1-901 and may be appealed to the board of zoning appeals as prescribed by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by section 24.1-904.

Sec. 24.1-903. Procedures.

(a) Variances and interpretations of the zoning map. Applications for variances as described in section 24.1-901, may be made by any property owner, tenant, government official, department, board or bureau. Such application, and accompanying maps, plans or other information, shall be made to the secretary of the board of zoning appeals who shall place the item on the docket to be acted on by the board of zoning appeals after public notice and hearing as required by section 15.2-2204, Code of Virginia.
(b) **Appeals of administrative decisions.** An appeal to the board of zoning appeals may be made 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 other requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter. Such appeal shall be made within thirty (30) days after the decision appealed from by filing with the secretary of the board of zoning appeals an application and a notice of appeal specifying the grounds thereof; provided, however, that any appeal from a notice of violation involving temporary or seasonal commercial uses (reference section 24.1-306, Category 8), parking of commercial trucks in residential zoning districts (reference section 24.1-271) maximum occupancy limitations of a residential dwelling unit, or other situations which in the opinion of the Zoning Administrator constitute a series of similar short-term, recurring violations shall be made within ten (10) days. The secretary shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the appealed action was taken. An appeal shall stay all proceedings in furtherance of the appealed action unless the zoning administrator certifies to the board of zoning appeals that, by reason of facts stated in such certificate, a stay would, in the administrator's opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board of zoning appeals or by a court of record, on application and on notice to the administrator for good cause shown.

(c) **Process.** The board of zoning appeals shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest, and, except when the applicant concurs in a further delay, decide the same within sixty (60) days of the first regularly scheduled meeting for which the matter is on the docket. In exercising its powers, the board of zoning appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, or may remand the issue to the zoning administrator for further consideration in which case a specific time for such further consideration shall be stipulated. No action of the board of zoning appeals shall be valid unless authorized by a majority of those present and voting, except that the concurring vote of a majority of the membership of the board of zoning appeals shall be necessary to reverse any order, requirement, decision or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance, or to effect any variance from this chapter. In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal. The board of zoning appeals shall keep minutes of its proceedings and other official actions which shall be filed with the zoning administrator and shall be public records. The chair of the board of zoning appeals, or the acting chair, may administer oaths and compel the attendance of witnesses.

(d) **Reconsideration.** When the board of zoning appeals has acted on an application or appeal, substantially the same application or appeal shall not be considered by the board of zoning appeals within one (1) year of the date of action, except by unanimous vote of the membership of the board of zoning appeals.

(Ord. No. 01-20(R), 10/16/01; Ord. No. 09-15, 8/18/09; Ord. No. 12-15, 9/18/12)

Sec. 24.1-904. **Appeals from decisions of board.**

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the county may file with the county circuit court a petition that shall be styled “In Re: [date] Decision of the Board of Zoning Appeals of York County” specifying the grounds on which aggrieved within thirty (30) days after the final decision by the board of zoning appeals. The court shall review and decide on such petition in accordance with the provisions established by section 15.2-2314, Code of Virginia.

(Ord. No. 01-20(R), 10/16/01; Ord. No. 10-24, 12/21/10)

Secs. 24.1-905—24.1-999. **Reserved.**
ARTICLE V. SITE PLANS

Sec. 24.1-500. Purpose.

(a) The site plan preparation and review procedures established in this article are designed to promote the public health, safety and welfare, to encourage utilization of the most advantageous land development practices and techniques, and to ensure compliance with the comprehensive plan, and all applicable requirements of this, and other, county ordinances.

These regulations are also designed to promote high standards and innovations in the layout, design, and landscaping of new and existing developments, and to ensure that land is used in a manner which is efficient and harmonious with the community and the environment.

(b) Nothing in this article shall be interpreted to require the approval of any development, use, or plan, or any feature thereof which shall be found by the zoning administrator to constitute a danger to public health, safety or general welfare; which shall be determined to be a departure from, or violation of, sound engineering design or standards; or which is in conflict with the comprehensive plan or Chesapeake Bay Preservation Act.


(a) Site plans shall be required for any land use or development except:

(1) Single-family detached and individual duplex dwelling units and their customary accessory uses;

(2) Bona fide agricultural operations and the customary accessory uses and structures associated with bona fide agriculture operations.

(3) Filling and grading operations where no impervious structures or improvements will be installed and no clearing undertaken. In such cases, a plan demonstrating compliance with erosion and sediment control and Chesapeake Bay Preservation Areas ordinances and requirements shall be submitted for approval.

(b) No building or land-disturbing permit shall be issued, nor shall any use of a property commence, until a site plan or erosion and sediment control plan has been approved, unless specifically authorized in accordance with the procedures established herein.

(Ord. No. O98-18, 10/7/98; Ord. No. 05-34(R), 12/20/05)

Sec. 24.1-502. Information required on site plans.

(a) Certification. Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect, land surveyor or landscape architect licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license.

(b) Scale. Site plans shall be prepared to an engineer's scale appropriate to the lot size and intensity of use, and acceptable to the zoning administrator. Sheet size shall be twenty-four inches by thirty-six inches (24" x 36"), however, the zoning administrator may approve different sheet sizes in advance of plan submission.

(c) Site plan title sheet. The site plan title sheet shall contain the following information:

(1) Title Block.

   a. Project Name.
b. Name, address and telephone number of the firm or individual preparing the site plan.

c. Scale of site plan.

d. Date of preparation of site plan; and dates and descriptions of all revisions.

(2) Location of tract by an insert map at a scale of not more than one inch equaling two thousand feet (1" = 2,000') showing landmarks sufficient to clearly identify the location of the property.

(3) A general information section indicating the number of sheets comprising the site plan, and an index showing the locations of the various sheets.

(4) Rezoning proffers, special use permit conditions, wetlands permits and waivers or variances granted shall be referenced with both application number and resolution or ordinance number noted.

(5) The zoning of the parcel.

(6) Table of statistical information, including:

a. Total area.

b. Area and percentage of total of existing buildings.

c. Area and percentage of total of proposed buildings.

d. Area and percentage of total of lot coverage (amount of impervious cover).

e. Surface area and percentage of total lot area of parking and loading areas.

f. Area of disturbance.

g. Area and percentage of total occupied by landscaped open space.

(7) A blank space four inches by six inches (4" x 6") shall be reserved for the use of the county on the lower right hand corner of the title sheet.

(d) General information required.

(1) Seal and signature, on each sheet, by the Virginia registered professional engineer, land surveyor, landscape architect or architect responsible for its preparation. One (1) copy of the plan set shall be submitted with original signature on each sheet.

(2) The owners, present zoning and current use of all abutting or contiguous parcels.

(3) The boundaries of the property by bearings and distances which shall be tied to the county geodetic control network, including both horizontal and vertical control.

(4) Existing topography with a maximum contour interval of two feet (2') except that where existing ground is on a slope of less than two percent (2%), either one-foot (1') contours or spot elevations shall be provided where necessary, but not more than fifty feet (50') apart. Topographic mapping shall identify all significant vegetation, natural features, rock outcroppings, existing cultural features, and shall be supplemented with full verification and location of all underground structures, utilities and public improvements located on or impacting the development of the property.

(5) Soil types as identified in the USDA Soil Conservation Service publication Soil Survey of James City and York Counties and the City of Williamsburg, or the Unified Soil Classification System, or by a professional acting within their area of competence and specifically denoting graphically any areas containing soils rated “Moderate” or “Severe” or
which do not have sufficient load bearings for the type of development proposed. The presence or absence of “shrink-swell” and similar soils shall be noted on the face of the plan.

(6) North arrow.

(7) All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the closest one-hundredth of a foot (0.01').

(8) Geometric location data for all public rights-of-way, geographic control monuments, common areas, utility centerlines and easements, structures and lot lines.

(9) A development phasing plan if the proposed project is to be constructed in two or more phases.

(10) If the site plan is shown on more than one sheet, match lines shall clearly indicate where the several sheets join and an index shall be shown locating the sheets.

(11) Building restriction lines and required setbacks.

(12) A Natural Resources Inventory of site conditions and environmental features as specified in Chapter 23.2.

(e) **Existing features.**

(1) The location, height, first floor elevation, floor area and use of all existing buildings and structures, and their distance from all property lines and from each other.

(2) All existing streets, utilities, fire hydrants, easements, and watercourses, and their type, names and widths. Recordation information shall be given for all easements and for other features as appropriate. For existing public streets, both right-of-way and pavement widths shall be noted as well as state route numbers and posted speed limits.

(3) Existing natural land features, trees, water features and all proposed changes to these features shall be indicated on a "landscape plan" (see article II, division 5). Land features shall include soil types and limitations. Water features shall include ponds, lakes, streams, wetlands, floodplains, drainage areas and stormwater retention areas.

(4) The location, type, and extent of the following features. In addition, the gross acreage and percentage of the total of the following physical land units shall be tabulated and computed by accurate planimetric methods at the site plan scale:

a. Slopes more than twenty percent (20%) but less than thirty percent (30%)

b. Slopes thirty percent (30%) or greater.

c. 100-year Floodplains.

d. Lands below the four foot (4') contour.

e. Jurisdictional (as defined by U. S. Environmental Protection Agency and confirmed by the U. S. Army Corps of Engineers) wetlands, both tidal and nontidal.

f. Existing water features (bodies of water, drainage channels, perennial and intermittent streams, etc.).

g. Major utility easements or rights-of-way including above ground electric transmission line easements.
h. Site specific location of Chesapeake Bay Resource protection and resource management areas.

i. Natural heritage resource areas identified in the document entitled, *Natural Areas Inventory of the Lower Peninsula of Virginia* and their degree of significance as identified in the same document.

j. Portion or portions of the property located within the Watershed Management and Protection overlay district (WMP).

(5) The location, type and extent of all known or suspected cultural resources, including underground resources. If architectural or archaeological studies have been performed on the site, two (2) copies of each relevant study shall be submitted with the site plan.

(f) Proposed improvements.

(1) The location and use of all proposed buildings and structures and their distance from all property lines and from each other.

(2) Proposed building(s) height, first floor elevation and area.

(3) Proposed streets, utilities and easements, their types, names and widths.

(4) Written schedule or data as necessary to demonstrate that the site can accommodate the proposed use, including: area occupied by each use; number of floors, height; and floor area for office, commercial and industrial uses. A development sequencing plan shall be presented with any project which is to be constructed in two (2) or more phases.

(5) Sufficient information to show that the physical improvements associated with the proposed development are compatible with existing or proposed development of record on adjacent properties which may include schematic plans for storm water management, utilities and transportation improvements.

(6) Proposed finished grading by contours to be supplemented by finished spot elevations and sectional design information.

(7) Locations, computations of percent and area of all open spaces; identification of areas for, and improvements to, all recreational facilities, including percent and area.

(8) Location and method of garbage, refuse and recyclables collection.

(9) Location and type of all proposed signage.

(10) Location and design of any retaining walls.

(g) Landscape requirements. A landscape plan, in accordance with article II, division 4 shall be provided.

(h) Erosion and sediment control. Provisions for the adequate control of erosion, runoff, and sedimentation, as required by chapter 10, *Erosion and Sediment Control*, of this Code, shall be indicated on the site plan. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.

(i) Streets and parking.

(1) Location of all off-street parking and loading spaces, handicapped parking spaces, bicycle parking, driveways, existing and proposed vehicular access for the site, entrance types, sidewalks and walkways, size and angle of parking bays and width of aisles and a specific schedule showing the number of parking spaces required by article VI and the number provided.

(2) Typical proposed roadway and parking area pavement cross-sections.
(3) Location of proposed street signs.

(4) Plans and profiles for all street improvements in public rights-of-way, including centerline elevations computed to the nearest one-hundredth of a foot (0.01') at fifty (50) horizontal station intervals and at other locations of geometric importance.

(5) Existing and proposed curb, gutter and sidewalks along all streets contiguous to the project.

(6) Site distances, both horizontal and vertical, at all proposed entrances.

(7) Entrance grades (in percent) noted.

(j) Drainage.

(1) Plans in accordance with adopted storm water management standards for the County. Stormwater management criteria consistent with the provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20), as they may be amended from time to time shall be satisfied.

(2) Plans of contributing drainage areas and the computed limits of the 100-year floodplain, with drainage way cross-sections and water surface elevation plotted on a profile of the pre- and post-development condition.

(3) Plans and profiles detailing the provisions for conveying the drainage to an adequate channel, pipe or stormwater system, indicating:

   a. The location, size, type, lining material, slope and grade of ditches;
   b. Drainage structures;
   c. Pipes including type or class, size, location, slope, invert elevations, length and connections;
   d. Verification of receiving channel, pipe or stormwater system adequacy;
   e. Best management practices (BMP) and other stormwater management facilities including maintenance requirements, slopes, depths, access, cross-sections and other pertinent details.

(4) Calculations for both pre- and post-development drainage and storm water management specifying the source of the coefficients, time of concentration, and equations utilized and any modifications made thereto.

(5) Floodplain studies when required by the terms of the floodplain management area (FMA) overlay district.

(6) 100-year floodplain limits.

(7) Drainage divides and areas for both pre- and post-development conditions.

(8) 2-, 10-, and 100-year water surface elevations shown for stormwater management ponds.

(k) Utilities.

(1) Plans in accordance with adopted water and sewerage facilities standards for the county.

(2) Plans and profiles for all existing and proposed public utilities, including elevation computed to the nearest one-hundredth of a foot (0.01') at fifty (50) horizontal station intervals and at other locations of geometric importance.

(3) Location of all sanitary sewer lines and water lines verifying supply and receiving line adequacy,
and showing all pipe sizes, type and grades.

(4) Location of all existing and proposed fire hydrants; and calculations verifying adequacy of fire flow when required by the director of public safety.

(5) The design, location, height, illumination intensity in footcandles, and luminaire type of all exterior lighting fixtures. The direction of illumination and methods to eliminate glare onto the adjoining properties must also be shown. Where questions or conflicts arise, the \textit{ANS I/IES Recommended Practice for Roadway Lighting} shall prevail.

(i) Additional information.

(1) Copies of all permits and determinations obtained from federal and state regulatory agencies and that are necessary for the development to occur as shown on the site plan shall be submitted with the site plan. This shall specifically include, but not be limited to, environmental permits, wetlands determinations, and sewage disposal permits.

(2) Any other additional information deemed necessary by the zoning administrator to render a decision on the proposal shall be provided or shown on the plan as appropriate.

(m) Format. Site plans shall generally follow the format depicted in Figure V-1 (See Appendix A).

(n) Number of copies. Plan submissions shall be clearly legible, blue or black line folded copies of the site plan and shall be accompanied by the appropriate application form and fee. No plan shall be deemed received until all relevant fees and applications are submitted. In addition, copies/sets of any supplementary reports or calculations (e.g., drainage calculations, traffic impact studies) shall be submitted with the plan submission. The number of copies of site plans and supplementary information/studies required shall be that number deemed sufficient by the zoning administrator to cover distributions to the relevant review departments/agencies and to provide a file copy to be maintained in the Department of Environmental and Development Services and the required number of copies shall be communicated in procedural information made available to prospective applicants by the Department.

(Ord. No. 05-34(R), 12/20/05; Ord. No. 10-24, 12/21/10)

Sec. 24.1-503. Waiver of preparation requirements.

(a) If the zoning administrator determines that one or more of the above submittal requirements is not applicable to the proposed projects, the zoning administrator may waive or modify those requirements and specify the appropriate modification.

No such waiver shall be granted when the proposed site modifications, because of impact on circulation patterns, drainage patterns, public facilities, public safety, or adjacent land uses necessitates the preparation of a plan in complete accordance with the terms of section 24.1-502 in order to serve and protect the public interest. The determination by the zoning administrator to waive or modify site plan requirements shall be made in writing.

(b) In the event detailed plan preparation requirements are waived or modified, the applicant shall remain responsible for provision of a sketch plan of the proposed development site prepared in a manner specified in writing by the zoning administrator.

Sec. 24.1-504. Construction of required public improvements.

(a) Where public improvements are required by this chapter, the zoning administrator may require the applicant or developer to execute with the county an agreement, suitable in form and content to the county attorney, which guarantees the completion of said improvements. (See sample public improvements agreement in Appendix B).

(b) Prior to the issuance of a certificate of zoning compliance or acceptance of any public improvement by the county, the zoning administrator shall be provided with sufficient testing data and certifications to determine that the improvements have been properly constructed as depicted on the approved plan and
to the standards prescribed by the county or other agency accepting the improvement. The cost of all
testing and certification shall be borne by the developer.

(c) The county shall be furnished with permanent, blackline, reproducible record drawings of public
improvements constructed.

**Sec. 24.1-505. Review and approval procedures for site plans.**

(a) While not required, developers and property owners are encouraged to present informally conceptual
plans to the Department of Environmental and Development Services at a preapplication conference.
Applicants should provide preliminary site sketches and plan information prior to the scheduled
conference.

(b) The department of environmental and development services shall be responsible for review of the site
plan for general completeness and for compliance with established administrative requirements and for
coordinating and monitoring the review process. In fulfilling this responsibility, the department may
transmit copies of site plans to appropriate departments, agencies, and officials for their review,
comment, and recommendations.

(c) The zoning administrator shall be the final plan approving authority. No final action shall be taken until
the comments and recommendations of all reviewing agencies, and departments and officials have been
received. Except under abnormal circumstances, all reviews shall be completed and the final decision of
the zoning administrator rendered within sixty (60) days of the submission of a site plan having all the
necessary elements as prescribed in section 24.1-502. In the event a final decision cannot be rendered
within sixty (60) days, the applicant may request and shall be given written notice of such delay and the
reasons therefor. Where review by one (1) or more state agencies, including but not limited to the health
department and/or department of transportation, is necessary, the zoning administrator shall act upon the
plan no later than thirty-five (35) days after the receipt of all comments or approvals of such state agency
or agencies.

(d) The zoning administrator may act in any of the following manners on site plans:

1. **Disapproval** - shall indicate that there are significant deficiencies in the plan as submitted and
   that the ability to correct them is in doubt or that even if the deficiencies were to be corrected,
   the plan may not be approvable in accordance with section 24-500(b).

2. **Preliminary approval** - shall indicate that there are deficiencies in the depicted plan which must
   be corrected prior to final approval being granted; however, such action shall constitute
   assurance that if the corrections are made in the stipulated manner, final approval will be
   granted.

3. **Final approval** - shall indicate that the site plan as depicted, or subject to certain noted
   conditions, is fully approved and, upon the issuance of all relevant permits, construction
   activities may commence. A site plan shall be deemed to have received final approval once it
   has been reviewed and approved by the zoning administrator and the only requirement
   remaining to be satisfied in order to obtain a building permit is the posting of any performance
   guarantees.

(e) Upon action by the zoning administrator, the applicant shall be notified in writing of such action and the
reasons therefor.

(f) Site plans which have received preliminary approval or have been disapproved by the zoning
administrator may be resubmitted for review at no additional fee provided that such resubmission occurs
within six (6) months of the date on which notice of preliminary approval or disapproval was transmitted
to the applicant and that a written narrative statement describing how each of the preliminary approval
conditions or reasons for disapproval and staff recommendations have been addressed on the revised
site plan. For site plans having received preliminary approval, only those plan sheets on which revisions
have been made need to be resubmitted. For disapproved plans, entire plan sets shall be resubmitted.
Revised site plans submitted later than six (6) months shall be reviewed as a new submission and shall
be subject to any changes in county ordinances which have occurred in the intervening time period, and
shall require the payment of the requisite review fee.

(g) For a resubmitted site plan solely involving a parcel or parcels of commercial real estate (which, for the
purposes of this section shall be deemed to include “industrial”), the zoning administrator shall act on the plan within forty-five (45) days provided, however, that where review by one or more state agencies is necessary, the comments or approvals of such state agency or agencies shall be provided within thirty-five (35) days of their receipt by the zoning administrator. In reviewing such a plan, the zoning administrator shall consider only the deficiencies identified in the review of the initial site plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted commercial site plan within the specified time periods shall cause the plan to be deemed approved. Notwithstanding the approval or deemed approval of any proposed commercial site plan, any deficiency in any proposed plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the zoning administrator’s review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

(h) Upon final approval of the site plan, the applicant shall be responsible for obtaining any necessary entrance permits from the Virginia Department of Transportation. No zoning certificate shall be issued until such permits have been secured.

(i) The zoning administrator may authorize the issuance of land disturbing permits or building permits for footings prior to final approval when the site plan has received preliminary approval and it is determined that the only outstanding issues involve execution of a required development agreement, dedication or abandonment of easements, correction of minor deficiencies, or similar issues which, in the opinion of the zoning administrator, will not affect the location of structures or parking areas as depicted on the site plan. Required perimeter buffer areas and infiltration yards shall be excluded from the authority granted by a land disturbing permit issued prior to final approval of a site plan. Land disturbing permits or zoning certificates for additional phases of construction shall not be issued prior to final approval of the site plan.

(j) Pursuant to Section 15.2-2261, Code of Virginia, final approval of a site plan submitted under the provisions of this article shall expire five (5) years after the date of such approval or, if building permits, or renewals thereof, have been issued for a valid and unexpired site plan, then upon the expiration of those permits. The issuance, and diligent pursuit of work thereunder, of a land disturbing activity permit (LDA permit) authorizing construction of stormwater management infrastructure also shall be sufficient to extend the term of validity of a site plan approval for a period concurrent with the validity of the LDA permit. The application for and approval of minor modifications to an approved site plan shall not extend the period of validity of such plan and the original approval date shall remain the controlling date for purposes of determining validity. Notwithstanding the five (5)-year term of validity, nothing shall preclude the application, to the greatest extent possible, of the terms of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act, or the application of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, Section 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

(k) After final approval of a site plan, the zoning administrator may approve minor adjustments to such plan which comply with the spirit of these and other applicable regulations. Any major revision shall necessitate the resubmission of the plan in accordance with the same procedures followed in the original review. The zoning administrator shall determine what constitutes a minor adjustment or a major revision on a case-by-case basis.

(l) Site improvements and development shall be in strict accordance with the approved site plan and any deviation from such approved plan in the improvement and development of such site shall be deemed a violation of this chapter. Unless specifically authorized by other sections of this article, certificates of zoning compliance and certificates of occupancy shall not be issued for a development until the zoning administrator has certified that the approved site plan has been fully and completely implemented.

(Ord. No. 02-17, 9/3/02; Ord. No. 08-17(R), 3/17/09; Ord. No. 15-12, 9/15/15)


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ARTICLE VI. OFF-STREET PARKING AND LOADING

Sec. 24.1-600. Applicability.

In any district, all structures erected or enlarged and all uses established or expanded, shall provide off-street parking and loading spaces in accordance with the requirements established herein.


(a) All required off-street parking or loading spaces shall be maintained for parking or loading use for as long as the principal use for which such spaces were established shall remain.

(b) No enlargement of a building, structure or use shall reduce the number of existing parking or loading spaces below the minimum number required unless provisions are made elsewhere on the premises for replacement spaces. Additional parking or loading spaces shall be provided to accommodate any additional demand created by such enlargement.

(c) In the event more than one principal use which requires parking or loading space is erected or established on the same premises, parking or loading space shall be provided on the basis of the sum of the required spaces for each use, except in the case of approved planned developments. For the purpose of this section, a shopping center, or a commercial facility containing three (3) or more attached tenant spaces but which does not meet the minimum lot area, setback or other design requirements specified by this chapter for shopping centers, shall be considered a single principal use and, except for theaters or bingo halls located within such centers, parking requirements need not be calculated separately for each establishment therein.

(d) The parking or loading requirements established herein shall be superseded if different requirements are established by the board as a condition of other approvals required by this chapter.

(Ord. No. 01-20(R), 10/16/01; Ord. No. 03-42(R), 12/2/03; Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-602. Location of parking.

(a) The off-street parking facilities required by this article shall be located on the same lot or parcel of land or within the same project and in reasonable proximity to the uses or structures that they are intended to serve. For nonresidential uses the zoning administrator may authorize an alternate or cooperative location, subject to the following:

(1) An alternate location is one that provides parking only for the use in question, but on a different lot or parcel.

(2) A cooperative location is defined as one that provides parking for two (2) or more uses, and has combined parking spaces equal to the sum required for the separate uses. The hours of operation and parking demand of such uses shall be considered and where sufficient offset in parking demand occurs, the zoning administrator may authorize a reduction in the total number of spaces required. It shall be the applicant's responsibility to provide documentation in support of such a reduction.

(3) Such parking spaces shall be conveniently and safely accessible to pedestrians.

(4) All such parking spaces shall be on property zoned for the uses which require the parking spaces or for more intensive uses.

(5) The right to permanently use such property for parking shall be established by deed, easement, lease or similar recorded covenant or agreement, shall be approved as to form and content by the county attorney, and shall be recorded in the clerk's office of the circuit court. (See sample agreements in Appendix B)

(6) Should such off-street parking spaces become unavailable for use at some future time, an equal number of parking spaces shall be constructed and provided on either the primary site
or by another off-site arrangement meeting the requirements of this article. Failure to provide or construct such replacement parking spaces within ninety (90) days from the date on which the use of the previously available off-street spaces was terminated shall be a violation of this chapter.

(b) Unless the zoning administrator approves otherwise for good cause shown, parking for customers shall be located no farther from the main entrance(s) of the use it is to serve than indicated below:

- Automobile - 750'
- Handicapped - 100'

(c) Location of all or the majority of off-street parking to the side or rear of the principal building is strongly encouraged so as to enhance opportunities for landscaping in front of buildings and complement site architecture.

(Ord. No. 03-42(R), 12/2/03)

Sec. 24.1-603. Access to off-street parking.

(a) Every parking space shall afford satisfactory ingress and egress for a motor vehicle without requiring another motor vehicle to be moved, except for the following:

(1) Parking spaces for single family detached, duplex and townhouse dwellings where the parking spaces are located on the same lot as the dwelling unit. This exception shall not extend to required parking spaces for accessory apartments in single family detached dwellings, or for visitor parking in townhouse developments, or for parking required in conjunction with home occupations.

(2) Stacking spaces for dropping off or picking up passengers where the duration of parking is ten (10) minutes or less on average.

(b) Valet parking arrangements may be authorized by the zoning administrator and shall not be subject to this section.

(Ord. No. 03-42(R), 12/2/03)

Sec. 24.1-604. Calculating the number of required off-street parking and loading spaces.

(a) In calculating the number of required off-street parking spaces the following rules shall govern:

(1) Floor area shall mean the gross floor area of the specific use measured from the exterior faces of exterior walls or from the centerline of walls separating two attached buildings. Unless otherwise specified, floor area shall include associated corridors, utility rooms and storage space.

(2) Parking spaces required on a per employee or per person basis in the standards which follow shall be based on the maximum number of employees or persons on duty or residing, or both, on the premises at any one time, or the maximum occupancy load (based on Building and Fire Codes) of the building or use, whichever is greater. Overlapping demand for parking spaces at shift changes shall be considered in determining these maximum loads.

(3) Where fractional spaces result, the parking or loading spaces required shall be rounded to the nearest whole number.

(4) The parking or loading space requirement for a use not specifically mentioned shall be the same as required for a use of a materially similar nature, as determined by the zoning administrator. A site-specific parking analysis and plan may be required by the zoning administrator to establish parking demands for uses not listed and for which the zoning administrator determines that a materially similar use listing does not exist herein.

(5) Except for shopping centers, or commercial facilities containing three (3) or more attached tenant spaces but which do not meet the minimum lot area, setback or other design
requirements specified by this chapter for shopping centers, where multiple principal uses occupy the same site (either in the same building or in separate buildings) the parking spaces required shall equal the sum of the parking space requirements of the various uses computed separately.

(b) Applicants may have a site- and use-specific parking and/or loading space analysis and plan prepared by a professional qualified to perform such studies for submission to the county for use in lieu of the numerical parking or loading space standards contained in this article. Such an analysis and plan shall be based on parking/loading demands at comparable local uses or establishments taken within six (6) months of the date of submission and shall include comparisons with Institute of Transportation Engineers (ITE) documents and manuals. The analysis and plan may include provisions for a reasonable number of compact car spaces in lieu of full-sized spaces. In addition to the above-noted adjustments, the parking analysis may also propose, and the zoning administrator may approve, the construction of a portion of the required parking for a site in an “overflow” or “peak demand” lot. Such lots may be designed with grid paving systems that allow grass to grow within the paver voids and curbing and wheel stops may be eliminated from this portion of the parking lot.

The professional qualifications of the preparer shall accompany the report. Upon approval by the zoning administrator, the site-specific parking or loading plan shall guide the development for the site, provided, however, that if the plan provides for fewer parking or loading spaces than would otherwise be required, an area sufficient to accommodate one-half (1/2) of the difference shall be reserved for a period of five (5) years and maintained as landscaped open space during that time. At any time during that 5-year period the zoning administrator may, in recognition of five (5) or more documented instances where parking demand for the site has exceeded available supply, issue a written notice to the property owner requiring that reserved open space area be converted to paved parking spaces. A reserved area shall not be required where the site and use-specific parking analysis and plan refers to a use for which a specific or comparable listing is not provided in section 24.1-608.

(c) Business vehicles shall be parked on the site in properly paved and located spaces. The owner of the premises shall be responsible for accommodating business vehicle parking needs without adversely impacting the availability of parking for customers, clients and employees. Adverse impact shall be considered to include instances where, due to inadequate space, business or customer vehicles must park in travel aisles, driveways, unpaved areas or other inappropriate locations as determined by the zoning administrator.

Sec. 24.1-605. Off-street loading spaces.

(a) Spaces designated for off-street loading shall not be counted toward the required number of off-street parking spaces, except where specifically approved by the zoning administrator in consideration of appropriate documentation that loading space needs will occur when parking space demand is not at its peak.

(b) Off-street loading spaces shall be located so that there is sufficient room for the turning and maneuvering of vehicles using loading spaces.

(c) All off-street loading spaces including aisles and driveways leading to them shall be constructed of concrete, asphalt or other equivalent permanent, dustless surface material.

(d) Off-street loading spaces may be incorporated into the overall design and layout of parking and circulation systems provided that no individual parking spaces will be encroached upon, except as authorized in subsection (a) above, and that vehicles utilizing such loading spaces will not interfere with vehicular circulation on the site or on adjacent public rights-of-way.

(e) Each off-street loading space shall be not less than twelve feet by fifty feet (12’ x 50’) in dimension with a vertical clearance of not less than fifteen feet (15’). The zoning administrator may authorize a reduction in the length of the required loading space in consideration of the characteristics of the use and appropriate documentation of typical delivery vehicle traffic.

(Ord. No. 03-42(R), 12/2/03; Ord. No. 08-17(R), 3/17/09; Ord. No. 09-22(R), 10/20/09)
Sec. 24.1-606. Minimum off-street parking and loading requirements.

Off-street parking spaces and loading spaces shall be provided in accordance with the minimum standards set forth in the following tables. These standards prescribe the minimum amount of parking and loading space that must be provided in conjunction with various uses and nothing shall prohibit the installation of more than the required minimums, provided however, that an additional twenty (20) landscape credits shall be provided/earned on the site for every ten (10) spaces in excess of the minimum number. Such additional landscaping shall be installed in the parking lot or around its perimeter.

(a) Category 1 - Residential and related uses.

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Dwelling: single-family detached &amp; duplex</td>
<td>Two (2) spaces per unit</td>
<td>None.</td>
</tr>
<tr>
<td>(2) Dwelling: single-family attached (townhouse &amp; multiplex)</td>
<td>Two (2) spaces per unit; plus One (1) space per three (3) units for visitor parking</td>
<td>None.</td>
</tr>
<tr>
<td>(3) Dwelling: multi-family</td>
<td>One and one-half (spaces per unit; plus One (1) space per three (3) units for visitor parking.</td>
<td>None.</td>
</tr>
<tr>
<td>(4) Manufactured Home on individual lot</td>
<td>Two (2) spaces per unit.</td>
<td>None.</td>
</tr>
<tr>
<td>(5) Manufactured Home Park</td>
<td>Two (2) spaces per unit; plus One (1) space per three (3) units for visitor parking.</td>
<td>None.</td>
</tr>
<tr>
<td>(6) Rooming, Boarding, Lodging House, Bed and Breakfast, Tourist Home</td>
<td>Two (2) spaces; plus One (1) space per each sleeping room.</td>
<td>None.</td>
</tr>
<tr>
<td>(7) Group Home</td>
<td>Three (3) spaces, plus One (1) space per each two (2) beds:</td>
<td>None</td>
</tr>
<tr>
<td>(8) Senior Housing – Independent Living Facility</td>
<td>One (1) space per unit; plus one space per six (6) units for visitor parking</td>
<td>None</td>
</tr>
<tr>
<td>(9) Senior Housing – Congregate Care Facility, Assisted Living Facility</td>
<td>One (1) space per two (2) units; plus one space per six (6) units for visitors</td>
<td>None</td>
</tr>
</tbody>
</table>

(b) Category 2 – Agriculture, Animal Keeping and Related Uses

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Plant Nursery w/ retail sales</td>
<td>One (1) space for every 200 square feet of indoor retail and office space; plus One (1) space for every 5,000 square feet of greenhouse or outdoor display area</td>
<td>none</td>
</tr>
<tr>
<td>(2) Plant Nursery – wholesale only</td>
<td>One (1) space for every 350 square feet of office space; plus One (1) space for every 15,000 square feet of greenhouse or outdoor display</td>
<td>none</td>
</tr>
<tr>
<td>(3) Animal Hospital / Vet Clinic</td>
<td>One (1) space for every 350 square feet of floor area, excluding kennel space; plus One (1) space per examining room</td>
<td>none</td>
</tr>
<tr>
<td>(4) Commercial Stables</td>
<td>One (1) space for every five (5) stalls</td>
<td>none</td>
</tr>
<tr>
<td>(5) Farmer’s Market</td>
<td>Two (2) spaces, plus One (1) space for every 1,000 square feet</td>
<td>One (1) space</td>
</tr>
</tbody>
</table>
### Category 3 – *Home Occupations* (Refer to Article II – Division 8)

### Category 4 – *Community Uses*

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Meeting halls, Clubhouses for Private/fraternal/civic clubs</td>
<td>One (1) space for every four 4 seats or for every 60 square feet of assembly area</td>
<td>One (1) space</td>
</tr>
<tr>
<td>(2) Recreational / social facilities in conjunction w/ residential development, including community pools</td>
<td>One (1) space for every eight (8) persons capacity of the building or facility based on maximum occupancy limits</td>
<td>None</td>
</tr>
</tbody>
</table>

### Category 5 – *Educational Uses*

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Day care center, nursery school, child care center</td>
<td>One and one-half (1.5) spaces per classroom or teaching station; plus One (1) stacking space for each five (5) students the facility is licensed to enroll.</td>
<td>none</td>
</tr>
<tr>
<td>(2) Schools: Elementary and Middle Schools</td>
<td>Two and one-half (2 ) spaces per classroom.</td>
<td>One (1) space.</td>
</tr>
<tr>
<td>(3) High School</td>
<td>One (1) space per classroom or teaching station; plus One (1) space per five (5) students at capacity.</td>
<td>One (1) space</td>
</tr>
<tr>
<td>(4) Vocational School</td>
<td>One (1) space per each two (2) students in the maximum projected enrollment capacity; plus One (1) space per classroom or teaching station.</td>
<td>One (1) space</td>
</tr>
</tbody>
</table>

### Category 6 - *Institutional Uses*

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Church, temple, synagogue or similar place of worship</td>
<td>One (1) per each four (4) fixed seats in main assembly area; or One (1) space per each sixty (60) square feet of assembly area without fixed seats, whichever is greater.</td>
<td>None</td>
</tr>
<tr>
<td>(2) Hospital</td>
<td>One (1) space per every two (2) patient beds; plus One (1) space for every 350 square feet of administrative office space</td>
<td>One (1) space; plus one (1) for every loading dock/bay</td>
</tr>
<tr>
<td>(3) Nursing Home</td>
<td>One (1) space for every two (2) patient beds</td>
<td>One (1) space</td>
</tr>
<tr>
<td>(4) Emergency / First Care Clinic</td>
<td>Two (2) spaces per examining room; Plus One (1) space per 350 square feet of office/administrative space</td>
<td>None</td>
</tr>
</tbody>
</table>
(g) Category 7 – Public and Semi Public Uses

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Conference Center, Convention hall, auditorium, etc.</td>
<td>One (1) space per each four (4) fixed seats or seating spaces; plus One (1) space per each 60 square feet of assembly area without fixed seats.</td>
<td>None.</td>
</tr>
<tr>
<td>(2) Post Office</td>
<td>One (1) space for every 350 square feet of gross floor area</td>
<td>One (1) space</td>
</tr>
<tr>
<td>(3) Libraries, museums and similar cultural facilities</td>
<td>One (1) space for each 300 square feet of gross floor area, but in no case less than ten (10) spaces.</td>
<td>None</td>
</tr>
<tr>
<td>(4) Government Offices</td>
<td>One (1) space per 350 square feet of gross floor area</td>
<td>None</td>
</tr>
<tr>
<td>(5) Parks/recreation facility</td>
<td>As determined based on National Parks and Recreation standards and recommendations for the type of facility</td>
<td>None</td>
</tr>
<tr>
<td>(6) Animal Shelter</td>
<td>One (1) space per 350 square feet of floor area, excluding kennels; but not less than five (5) spaces</td>
<td>None</td>
</tr>
</tbody>
</table>

(h) Category 8 – Temporary Uses

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Model Home Display Parks</td>
<td>Two (2) spaces per model home displayed</td>
<td>None</td>
</tr>
<tr>
<td>(2) All other Temporary Uses</td>
<td>Refer to Article 4, Division 7</td>
<td>None</td>
</tr>
</tbody>
</table>
(i) **Category 9 – Recreation and Amusement Uses**

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Theater - indoor</td>
<td>Stand-alone: One (1) space per four (4) seats. In Shopping Center: One (1) space per eight (8) seats.</td>
<td>None</td>
</tr>
<tr>
<td>(2) Bingo Hall</td>
<td>One (1) space for each four (4) fixed seats or for each sixty (60) square feet of open assembly area</td>
<td>None</td>
</tr>
<tr>
<td>(3) Bowling Alley</td>
<td>Seven (7) spaces per lane; plus One (1) space per 100 square feet of restaurant and lounge space.</td>
<td>One (1) space</td>
</tr>
<tr>
<td>(4) Marinas, dry-stack boat storage facility</td>
<td>One (1) space per five (5) berths; plus One (1) space per 500 square feet of dry boat storage area; plus Two (2) spaces for every house boat mooring space, and, in no event, less than twenty (20) spaces for any marina having an accessory restaurant.</td>
<td>One (1) space.</td>
</tr>
<tr>
<td>(5) Country clubs, golf courses</td>
<td>One (1) space per 400 square feet of floor area in meeting rooms, lounges or similar assembly area; plus Five (5) spaces per golf hole</td>
<td>None</td>
</tr>
<tr>
<td>(6) Indoor Amusement Centers, Arcades, etc.</td>
<td>One (1) space for every 200 square feet of gross floor area</td>
<td>None</td>
</tr>
<tr>
<td>(7) Golf Driving Range</td>
<td>Three (3) spaces; plus One (1) space per tee</td>
<td>None</td>
</tr>
<tr>
<td>(8) Recreational or amusement establishments other than those specifically listed above</td>
<td>One (1) space per four (4) seats for fixed-seat facilities; or, One (1) space for every four (4) persons capacity based on the maximum occupancy load for the facility;</td>
<td>One (1) space if food or beverage services are offered</td>
</tr>
</tbody>
</table>

(j) **Category 10 – Commercial / Retail Uses**

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Furniture, carpet, and appliance, stores; lumberyard and building materials; home improvement centers</td>
<td>One (1) space per 500 square feet of floor area.</td>
<td>One (1) space; plus One (1) space per loading bay or dock</td>
</tr>
<tr>
<td>(2) Convenience store</td>
<td>One (1) space per 200 square feet of gross floor area</td>
<td>One (1) space</td>
</tr>
<tr>
<td>(3) All other Category 10 Commercial / Retail Uses</td>
<td>One (1) space per 250 square feet of gross floor area; plus One (1) space for every 500 square feet of open/indoor display or sales area</td>
<td>One (1) space.</td>
</tr>
</tbody>
</table>

(k) **Category 11 – Business / Professional Service**

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Funeral home or mortuary</td>
<td>One (1) space per four (4) seats or seating spaces in the main chapel or parlor;</td>
<td>None</td>
</tr>
<tr>
<td>(2) Financial institution with drive-in windows</td>
<td>One (1) space per 350 square feet of floor area; plus Eight (8) stacking spaces for the first drive-in window; plus</td>
<td>None</td>
</tr>
<tr>
<td>Category</td>
<td>Requirement</td>
<td></td>
</tr>
<tr>
<td>----------</td>
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</tr>
<tr>
<td>Two (2) stacking spaces for each additional window.</td>
<td>Two (2) stacking spaces for each additional window.</td>
<td></td>
</tr>
<tr>
<td>(3) Financial institutions without drive-in windows.</td>
<td>One (1) space per 350 square feet of floor area.</td>
<td></td>
</tr>
<tr>
<td>(4) Freestanding ATM</td>
<td>Four (4) spaces per machine</td>
<td></td>
</tr>
<tr>
<td>(4.1) Payday loan establishments</td>
<td>One (1) space per 350 square feet of floor area</td>
<td></td>
</tr>
<tr>
<td>(4.2) Tattoo parlor</td>
<td>One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>(5) Medical or dental clinic/office</td>
<td>Two (2) spaces per examination or treatment room; plus One (1) space per 350 square feet of administrative office space.</td>
<td></td>
</tr>
<tr>
<td>(6) Offices – business or professional</td>
<td>One (1) space per 350 square feet of floor area but in no case less than three (3) spaces.</td>
<td></td>
</tr>
<tr>
<td>(7) Personal Service Establishments (Barber/beauty shops, apparel services, etc.)</td>
<td>One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>(8) Motel, hotel, motor lodge</td>
<td>One (1) space per sleeping room or suite for first 100 units; plus 0.9 spaces per sleeping room or suite for units 101 through 200 0.8 spaces per sleeping room or suite for units 201 through 300 0.7 spaces per sleeping room or suite for units in excess of 300; plus One space for each 250 square feet of floor area used for meeting rooms and for the preparation, serving or consumption of food or beverage, but not including storage and refrigeration areas.</td>
<td></td>
</tr>
<tr>
<td>(9) Timeshare resort</td>
<td>1.3 spaces per unit.</td>
<td></td>
</tr>
<tr>
<td>(10) Restaurant: Sit Down and Brew Pub</td>
<td>One (1) space per 100 square feet of total gross floor area; NOTE: Outdoor dining area shall be included in the calculations.</td>
<td></td>
</tr>
<tr>
<td>(11) Restaurant: Fast Food or Drive-In</td>
<td>One and one-half (1 1/2) spaces per 100 square feet of gross floor area inclusive of outside dining area; plus Eleven (11) stacking spaces for the first drive-in window; plus Three (3) stacking spaces for each additional drive-in window.</td>
<td></td>
</tr>
<tr>
<td>(12) Restaurant: Drive-Through Only</td>
<td>Five (5) spaces; plus Eighteen (18) stacking spaces for the first drive-in window; plus Three (3) stacking spaces for each additional drive-in window.</td>
<td></td>
</tr>
<tr>
<td>(13) Nightclubs, bars, taverns, dance halls</td>
<td>One (1) space for every 60 square feet of floor area, excluding kitchen areas</td>
<td></td>
</tr>
<tr>
<td>(14) Commercial reception hall or conference center</td>
<td>One (1) space for every four (4) seats or sixty (60) square feet of assembly</td>
<td></td>
</tr>
</tbody>
</table>
(15) All other Category 11 uses  
<table>
<thead>
<tr>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) space per 350 square feet of gross floor area</td>
</tr>
</tbody>
</table>

(i) Category 12 – Motor Vehicle / Transportation

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Automobile service stations, gasoline sales, auto repair garage, auto body/ painting facility</td>
<td>One (1) space per each 500 square feet of enclosed office, sales or service floor area; plus Two (2) spaces per service bay, but in no case less than five (5) spaces.</td>
<td>None</td>
</tr>
<tr>
<td>(2) Car Wash</td>
<td>Two (2) spaces, plus Four (4) stacking spaces per bay or stall;</td>
<td>None</td>
</tr>
<tr>
<td>(3) Vehicle sales, rental and service establishments (Auto, truck, heavy equipment, boats)</td>
<td>One (1) space per 500 square feet of enclosed office, sales/rental floor area; plus One space per two thousand five hundred (2500) square feet of open sales or rental display lot area; plus Two (2) spaces per service bay;</td>
<td>One (1) space</td>
</tr>
<tr>
<td>(4) All other Category 12 Uses</td>
<td>One space per 350 square feet of office/administrative area, plus Two (2) spaces per service bay, Loading or boarding pad or similar facility</td>
<td>None</td>
</tr>
</tbody>
</table>

(m) Category 13 – Shopping Centers

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Shopping Center, but excluding theaters and bingo halls</td>
<td>Neighborhood Center: Three (3) spaces per 1,000 square feet of gross leasable floor area; Community and Specialty Center: Four (4) spaces per 1,000 square feet of gross leasable floor area.</td>
<td>One (1) space; plus One (1) space per 20,000 square feet of gross leasable floor area.</td>
</tr>
<tr>
<td>(2) Mini-storage warehouses</td>
<td>One (1) space for each twenty (20) cubicles; plus Two (2) spaces for the manager's quarters; plus Two (2) spaces for the office.</td>
<td>None</td>
</tr>
<tr>
<td>(3) Warehousing, distributing, or</td>
<td>One (1) space for each 10,000</td>
<td>One space; plus</td>
</tr>
</tbody>
</table>

(n) Category 14 – Wholesaling / Warehousing

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Seafood receiving, packing, storage</td>
<td>One (1) space for every 500 square feet of processing or office area</td>
<td>One space; plus One space per loading bay or dock</td>
</tr>
<tr>
<td>(2) Mini-storage warehouses</td>
<td>One (1) space for each twenty (20) cubicles; plus Two (2) spaces for the manager's quarters; plus Two (2) spaces for the office.</td>
<td>None</td>
</tr>
<tr>
<td>(3) Warehousing, distributing, or</td>
<td>One (1) space for each 10,000</td>
<td>One space; plus</td>
</tr>
</tbody>
</table>
wholesale trade establishment and all other Category 14 uses  |  square feet of floor area; plus  
(1) space for each 350 square feet of office, sales or similar space; or, subject to appropriate documentation and approval of the zoning administrator, one and one-third (1.3) spaces for every employee on the largest shift.  
(1) space per loading bay or dock

(o) Categories 15, 16 and 17 – Limited Industrial Uses, General Industrial Uses, and Utilities

<table>
<thead>
<tr>
<th>USE</th>
<th>OFF-STREET PARKING SPACES</th>
<th>OFF-STREET LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Microbreweries, micro-distilleries, micro-wineries, and micro-cideries</td>
<td>One (1) space for every 350 square feet of office or administrative area; plus One (1) space for every 700 square feet of production or work floor area; plus One (1) space per 100 square feet of gross floor area dedicated to accessory tasting rooms, restaurants (including outdoor dining areas), or retail sales; plus One (1) space for every four (4) seats or sixty (60) square feet of assembly area dedicated to commercial hall use</td>
<td>One (1) space</td>
</tr>
</tbody>
</table>

| (2) All Other Uses | One (1) space for every 350 square feet of office or administrative area; plus One (1) space for every 700 square feet of production or work floor area; plus One space for every 5,000 square feet of warehouse/storage area, or subject to appropriate documentation and approval of the zoning administrator, one and one-third (1.3) spaces for every employee on the largest shift. | One (1) space for every 20,000 feet |

(Ord. No. 03-42(R), 12/2/03; Ord. No. 05-13(R), 5/17/05; Ord. No. 06-19(R), 7/18/06; Ord. No. 06-21, 9/19/06; Ord. No. 14-27, 12/16/14)

Sec. 24.1-607. Off-street parking design standards.

(a) Required off-street parking spaces for single-family detached and duplex dwellings shall be a minimum of nine feet by eighteen feet (9' x 18') in dimension with a driveway which is constructed with an all-weather surface, affording safe and convenient access, and passable by emergency vehicles at all times.

(b) Except as provided in section 24.1-607(e) all other parking spaces intended for use by the general public shall have minimum dimensions of nine feet by eighteen feet (9' x 18'), or ten (10) feet by twenty (20) feet if parallel. Where separate employee spaces are designated on the site and are situated in some manner as to be clearly distinguishable from the remaining spaces, such spaces may be designed with minimum dimensions of eight feet by sixteen feet (8' x 16').

(c) Where parking spaces are arranged along a walkway, median or landscaped island of at least nine (9) feet in width, a one and one-half foot (1.5') overhang credit may be deducted from the required length of the parking space. Where this credit is used, the adjacent landscaped island or walkway shall be increased in width by an equal amount.
(d) All permanent off-street parking areas proposed in conjunction with any development other than single-family detached or duplex dwellings which is subject to the requirements of this chapter shall comply with the following design standards:

(1) Parking areas shall be constructed of concrete, asphalt or other equivalent permanent, dustless surface such as cobblestone, Belgian block, brick, grid pavers, interlocking pavers, or similar surface material.

The above provision notwithstanding, the zoning administrator may approve unpaved or gravel parking areas provided that a specific request, detailing the environmental conditions giving rise to the request, is submitted in writing at the time of plan submission. Said unpaved or gravel parking areas must be an integral part of an overall stormwater management plan for the project.

(2) Parking lots shall be set apart from landscaped areas by a permanent curb or wheel stop. In the event a parking lot is adjacent to a parking lot on another parcel and both lots are served by a joint entrance, the zoning administrator may approve a transfer of the required landscaped strip along the common property line to another location on the site. In such situations, fifty percent (50%) of the area to be transferred shall be added to the landscaping otherwise required in front of the principal building on the site.

(3) Traffic aisles in parking lots shall conform with the following criteria:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Traffic Direction</th>
<th>Aisle Width*</th>
</tr>
</thead>
<tbody>
<tr>
<td>parallel</td>
<td>One-Way</td>
<td>12 feet</td>
</tr>
<tr>
<td>30-degree</td>
<td>One-Way</td>
<td>12 feet</td>
</tr>
<tr>
<td>45-degree</td>
<td>One-Way</td>
<td>12 feet</td>
</tr>
<tr>
<td>60-degree</td>
<td>One-Way</td>
<td>18 feet</td>
</tr>
<tr>
<td>90-degree</td>
<td>Two-Way</td>
<td>24 feet</td>
</tr>
</tbody>
</table>

*Minimum width of traffic aisles in parking lots for two-way traffic shall be twenty-four (24) feet. Additional width may be required if needed for access of emergency vehicles.

(4) Parking lots shall be designed and constructed so that spaces are grouped into bays separated by landscaped traffic islands each of which shall be surrounded by a curb. There shall be no more than fifteen (15) parking spaces in a row without an intervening landscaped island, provided however, that the zoning administrator may approve alternative arrangements where landscaped islands in other parts of the parking lot are enlarged to exceed the minimum dimensions specified below. Such islands and bays shall be designed to provide a clear delineation of circulation patterns, guide vehicular traffic, prevent unsafe diagonal movements through the parking lot, break large expanses of pavement into sub-areas to improve both the appearance and climate of the parking lot, minimize glare and noise, and delineate safe pedestrian walkways. The minimum size of any island shall be one hundred fifty (150) square feet with a minimum width of nine feet (9').

(5) A minimum of seven and one-half percent (7.5%) of the total surface area in parking lots shall be maintained in traffic islands or other interior planting areas within the lot including all traffic islands provided or required herein. Any landscaping within or around the traffic aisles of such parking areas shall be maintained so as to prevent visual obstructions between the height of three feet (3') and six feet (6') where such obstructions could impair vehicular safety.

(6) Landscaping of traffic islands and circulation control improvements, as required above, shall be provided in accordance with article II, division 4 and the following specifications:

a. Existing mature trees and natural vegetation shall be protected and preserved during and after the development process in accordance with the provisions of section 24.1-242 wherever possible, particularly around the perimeter of parking areas.
b. At least fifty percent (50%) of the trees installed in parking lots shall have a minimum caliper of two and one-half inches (2-1/2”).

c. Trees within landscaped strips located adjacent to parking spaces shall be placed at least four feet (4’) from the face of curbs or wheel stops or at the corners of parking spaces in order to protect plant materials from damage.

d. The specific types and locations of landscaping materials selected for planting shall conform to the provisions of article II, division 4 of this chapter and shall be reasonably dispersed throughout the parking area.

(7) Sidewalks shall be provided to facilitate safe and convenient pedestrian movements within and between such parking areas and the establishments which they serve. Sidewalks shall be designed in accordance with all applicable barrier-free access standards as specified by the Virginia Uniform Statewide Building Code and the Americans with Disabilities Act.

(8) Outdoor lighting shall be installed at appropriate locations to provide illumination for parking areas and pedestrian, bicycle and vehicular circulation routes and especially to establishments which will be patronized during non-daylight hours.

(9) Parking spaces for the physically handicapped, including lift-equipped van-accessible spaces, shall be provided and labeled on the plan in accordance with the numerical and design standards established for the physically handicapped and aged, by the Virginia Uniform Statewide Building Code and as specified in the Americans with Disabilities Act.

(10) All parking lots shall be visually screened from public street rights-of-way by means of landscaping which provides a visual screen of the parking lot throughout the year. Unless otherwise required by this chapter or by the terms of a special use permit, the buildings on the site need not be entirely screened.

(11) Outdoor storage and display shall not be permitted in required parking spaces. If outdoor storage and display is to be located in non-required parking areas, such area shall be delineated on the site plan and shall be located so that it does not impede traffic circulation on the site and does not create safety or visibility problems for vehicles and pedestrians using the parking lot.

(e) In the case of parking lots containing twenty (20) spaces or more, the developer may elect to designate up to a maximum of twenty percent (20%) of such spaces for the use of compact cars. The minimum dimensions of such spaces shall be eight feet by sixteen feet (8’x 16’) with traffic aisle widths remaining unchanged. Such spaces shall be located so as to be convenient to all major entrances of the proposed establishment and shall be clearly identified through appropriate signage and pavement markings as to their function.

(f) No certificate of zoning compliance or certificate of occupancy may be issued unless the following criteria are fully satisfied with regard to the approved parking plan:

(1) Such plan has been fully implemented on the site, including installation of landscaping, curbs, paving or other surface treatment, painting or stripping to delineate individual spaces, installation of necessary regulatory, warning and directional signage, delineation of handicapped spaces and all other aspects required or shown on the approved plan; or

(2) Such plan, because of unanticipated weather conditions, cannot be fully implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the county in a form acceptable to the county attorney, and secured by a letter of credit, cash escrow or other instrument acceptable to the county attorney in an amount equal to the remaining cost of such implementation plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing improvements and vegetation. The zoning administrator shall determine, on a case-by-case basis, the minimum acceptable level of improvement necessary for issuance of a conditional certificate of zoning compliance under these circumstances.

Sec. 24.1-608. Parking for certain purposes permitted and prohibited.
The following provisions shall apply to the parking or placement of automobiles, trucks, trailers, recreational vehicles, motorcycles, boats, tractors, heavy construction equipment or other types of motorized vehicle or equipment with the intent to offer such vehicles or equipment for sale or rent. For the purposes of this section, the presence of signs, lettering, papers, flyers or other visible advertisement or information on or within the vehicle indicating it to be for sale or rent shall be deemed evidence of such intent.

(a) It shall be unlawful for any person to park or place any such vehicle for sale or rent upon or in any street or street right-of-way.

(b) The owner or occupant of a parcel on which an occupied commercial or industrial structure is located may park an automobile, light-duty truck, recreational vehicle or trailer, boat or cargo trailer on the property for the purpose of selling or offering the vehicle for sale, provided that:

(1) The vehicle is owned by the owner or occupant of the property, or a member of the owner/occupant’s immediate family. For the purposes of this section, the term “immediate family” shall be deemed to include natural or legally defined offspring or parents or grandparents of the owner or occupant of the premises.

(2) The vehicle is parked on a paved or graveled parking space on the property, and shall not be parked on grassed or landscaped portions of the property.

(3) Any signs or lettering advertising the vehicle to be “for sale” shall be attached to or applied to the vehicle and shall not exceed six (6) square feet in area.

(4) Not more than two (2) vehicles shall be parked or displayed “for sale” at any time and not more than five (5) vehicles may be parked or displayed “for sale” on any premises within the same calendar year.

(5) In the event the commercial or industrial use occupying the property is authorized to include the on-premises parking or storage of heavy construction equipment, large trucks, and similar vehicles/equipment, the above-noted limitation to “light-duty trucks” shall be waived.

(c) Parking of vehicles or equipment for sale or rent on undeveloped or vacant property, or on property on which the principal structure(s) are unoccupied, shall be prohibited.

(d) Violations of the terms of this section shall be enforceable against the owner of the property and the owner of the vehicle.

(e) The provisions of this section shall not be deemed to prohibit the sale or rental of vehicles or equipment when conducted from a site which has been authorized, pursuant to the terms of this chapter, for the conduct of vehicle or equipment sales/rental as a principal use of the property.

(Ord. No. 06-19(R), 7/18/06)

CODE OF THE COUNTY OF YORK, VIRGINIA

ARTICLE VII. SIGNS

Sec. 24.1-700. Applicability.

No sign shall be erected, altered, expanded, reconstructed, replaced or relocated on any property except in conformance with the provisions of this article and all other applicable ordinances and regulations of the county. Repainting or refacing an existing sign or making minor non-structural repairs shall not require a permit.

Sec. 24.1-701. Sign classifications.

Signs, as defined in article I, shall be classified according to one or more of the following definitions:

Advertising sign. A sign which directs attention to a business, profession, product, service, activity or entertainment which is not conducted, sold or offered on the premises upon which such sign is located.

Banner. A piece of cloth, plastic or other flexible material on which words, letters, figures, colors, designs or symbols are inscribed or affixed for the purposes of advertisement, identification, display or direction and which is suspended for display, typically from buildings or poles.

Community identification sign. A permanent sign which identifies the name of a subdivision, apartment complex, condominium or other type of residential or nonresidential development or neighborhood but not containing separate information pertaining to the builder, developer or financier associated with such property; however, signs identifying rental properties may specify the name of the management firm.

Construction sign. A temporary sign which identifies facilities being actively constructed or altered, the anticipated sale, lease or rental of those facilities, or the identity of the persons or firms engaged in the promotion, financing, design, construction or alteration of such facilities.

Electronic message center (EMC). A sign that utilizes computer-generated messages or some other electronic means of displaying and changing copy. These signs include displays using incandescent lamps, light emitting diodes (LEDs), liquid-crystal display (LCD) fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals that are used to change the messages, intensity of light or colors displayed by such sign. The term shall not include signs on which lights or other illumination devices display only the temperature or time of day in alternating cycles or only motor vehicle fuel prices displayed continuously.

External illumination. Illumination by floodlights, spotlights or other sources which are focused directly on the face of the sign.

Free-standing sign. A sign, supported by one or more columns, uprights or braces, in or upon the ground, and not attached to any building. Free-standing signs include, but are not limited to, pole signs, monument signs, and signs attached to a flat surface such as a fence or wall not a part of a building.

Monument sign. A type of free-standing sign, other than a pole sign, with sides parallel to or nearly parallel to each other, with the supporting structure as wide as or wider than the sign face itself, and with the entire supporting structure in contact with the ground or within twelve inches (12") of the ground.

Identification sign. An on-premises sign which indicates the name, nature, logo, trademark, commodity, entertainment or service sold, offered or manufactured on the premises, and/or other pertinent information about a building, business, development or establishment on the premises.

Internal illumination. Illumination by a light source which is concealed or contained within the sign itself and which shines through a translucent surface, except as defined under “electronic message center”.

Marquee or canopy sign. A sign which is painted on, attached to, or hung from a marquee or canopy which projects from and is totally or partially supported by a building.
Off-Premises directional sign. A sign which is not located on the same premises as the use to which it refers and which is intended to provide information as to the identity and location of a use, but which does not otherwise qualify as an advertising sign.

Off-Premises directional open house sign. A temporary sign which is intended to provide information on the location of a real estate open house, and which is not located on the same premises as the dwelling unit to which it refers. Such signs shall not contain any reference to any individual or firm.

On-Premises directional sign. A sign which is intended to provide directional information for the premises on which it is located. Such sign may pertain to traffic movement, pedestrian movement, parking or loading space, or similar types of information, but shall not consist of advertising matter.

Pennants. Pieces of cloth, plastic or flexible material, generally triangular or rectangular in shape, and which typically are strung together in a series on lines which are hung from poles, between buildings or in other arrangements for the purpose of decoration or attracting attention.

Political sign. A temporary sign which pertains to an issue of public concern or to an issue or candidate in a pending election.

Portable sign. Any sign not permanently attached to a structure or permanently mounted in the ground which can be transported to other locations. Portable signs shall include, but not be limited to, signs which are trailer-mounted or otherwise designed to be relocated, or are constructed on a chassis or carriage with permanent or removable wheels.

Projecting sign. A sign which is attached perpendicularly, or nearly perpendicularly, to a building wall or roof line and which extends from such wall or roof line not more than forty-eight inches (48").

Realty sign. A temporary sign which advertises the sale, lease, rental or display of the lot or building upon which such sign is displayed.

Roof sign. A sign which is an integral part of the building design and is attached to, painted on, or supported by the roof of a building.

Temporary sign. A sign, banner, poster, or advertising display constructed of cloth, plastic, sheet-metal, cardboard, wallboard, plywood or other like materials, intended to be displayed for a limited period of time, and not permanently attached to a building or the ground.

Wall sign. A sign which is painted on or attached parallel to a wall of a building and which extends not more than eighteen inches (18") from such wall.

Sec. 24.1-702. General sign regulations.

(a) Sign area shall be measured within a continuous perimeter enclosing the entire display face of the sign, including background, framing, trim, molding and other borders, but excluding supports and uprights unless the combined width of such supports or uprights exceeds 25% of the width of the sign face being supported or unless such supports of any width are designed as an integral part of the display for the purpose of illustration or attraction (Note: the provisions concerning support measurement shall not apply to monument signs). Where a sign consists of two identical parallel faces which are back to back and located not more than twenty-four inches (24") from each other, or in a “V” arrangement where distance between the unattached ends of the “V” is forty-eight (48) inches or less, only one side of such sign shall be used in computing the area. The area of signs with more than two (2) faces or with faces which do not meet the preceding allowances shall be the sum of the areas of all the sign faces. The area of a cylindrical sign shall be computed by multiplying one-half (1/2) the circumference by the height of the sign. Where individual letters, characters or figures are mounted so as to use a building facade as a background, the area of such sign shall be determined by computing the sum of the area within the outer perimeter of each individual character or figures comprising the total message, symbol or advertisement. (See Figure VII-1 in Appendix A.)
(b) The maximum allowable accumulative sign area permitted on any parcel shall be calculated with respect to the principal street frontages of a parcel to which the parcel has direct access. Unless otherwise specified, the maximum allowable accumulative area shall be based on the width of the face of the principal building parallel or nearly so to the street frontages. All permanent signs, unless specifically exempted by the terms of this article, shall be counted in the calculation of maximum accumulative sign area. In no event shall the aggregate wall sign area for a building, or for an individual tenant space if the building consists of multiple attached units, be allowed to exceed 240 square feet.

(c) The height of signs shall be the vertical distance measured from the average finished grade ground elevation of the area surrounding and within ten feet (10') of to the highest point of the sign. The maximum allowable height of signs shall be as specified by the regulations established herein. If the adjoining road surface elevation is more than five (5) feet above the average finished grade where the sign will be located, then the sign height may be increased by one (1) foot for each two (2) feet of elevation difference in excess of five (5), up to a maximum additional height allowance of ten (10) feet.

(d) No sign, unless herein exempted, shall be erected, constructed or altered until a permit has been issued by the county. Fees for sign permits shall be in accordance with the schedule of fees adopted by the board.

(e) Any sign pertaining to a nonconforming business, commercial or industrial use located within a residential district, shall be deemed a nonconforming structure.

(f) No signs shall be permitted in conjunction with any use or activity until such time as site plan approval, or a Zoning Certificate in cases where no site plan is required, has been issued for the subject use or activity.

(g) No sign, other than a sign approved or installed by the Virginia Department of Transportation, shall be located within or over any public right-of-way.

(h) No sign shall be erected within the area encompassed by a sight triangle in accordance with 24.1-220(b) of this chapter.

(i) No sign, whether permanent or temporary, shall be attached to trees, utility poles or other supporting structures, unless specifically authorized by the zoning administrator.

(j) Except in the case of shopping centers, regional medical centers, and corner and through lots, not more than one (1) permanent free-standing sign shall be permitted for each lot or parcel. The minimum setback of any free-standing sign, or any portion thereof, from any property line shall be ten feet (10').

(k) Corner and through lots shall be entitled to one (1) free-standing sign for each road frontage provided, however, that this provision shall not apply along road frontages where restricted access easements are in place.

(l) Except in the IG district, no sign, whether temporary or permanent, shall extend over or above the ridge line of any roof or the top of any parapet wall of a building.

(m) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect in an offensive manner on or into residential structures or motels. No exposed reflective type bulbs or incandescent lamps shall be used on the exterior surface of any sign in such a manner that will cause offensive glare on adjacent property or create a traffic hazard.

In the case of electronic message center signs, the following additional standards shall apply:

(1) Illuminance intensity of electronic message center signs shall be measured with an illuminance meter set to measure footcandles and accurate to at least two decimals. The
maximum allowable illumination intensity for such signs shall be determined relative to ambient lighting conditions by measuring the difference between an intensity reading taken with the sign illumination turned off and one taken with the sign displaying a white image for a full color-capable electronic message, or a solid message for a single-color electronic message. The difference between the two readings shall not exceed 0.3 footcandles. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the electronic message center sign as set forth in the following table:

<table>
<thead>
<tr>
<th>Area of Sign (sq. ft.)</th>
<th>Measurement Distance (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>32</td>
</tr>
<tr>
<td>15</td>
<td>39</td>
</tr>
<tr>
<td>20</td>
<td>45</td>
</tr>
<tr>
<td>24</td>
<td>49</td>
</tr>
<tr>
<td>32</td>
<td>57</td>
</tr>
<tr>
<td>40</td>
<td>64</td>
</tr>
<tr>
<td>50</td>
<td>71</td>
</tr>
<tr>
<td>64</td>
<td>80</td>
</tr>
<tr>
<td>150</td>
<td>122</td>
</tr>
</tbody>
</table>

For signs with an area other than those specifically listed in the table, the measurement distance shall be calculated using the following formula:

\[
\text{Measurement Distance} = \sqrt{\text{Area of Sign sqft} \times 100}
\]

(2) Each permitted electronic message center sign shall be equipped with a sensor or other device that automatically determines the ambient illumination and which is programmed to automatically dim the illumination intensity according to ambient light conditions so as to ensure compliance with the 0.3 footcandle standard.

Prior to the County's final inspection and approval of an electronic message center sign, the applicant shall provide written certification from the sign manufacturer/installer that the sensor is working correctly to keep the sign's illumination intensity within the prescribed brightness limitations set by this ordinance.

(n) A landscaped planting area shall be provided around the base of any free-standing identification sign. The planting area shall contain four (4) times the area of the sign, be a minimum of six feet (6') in width, be protected from vehicular encroachment, and be landscaped with a combination of trees, low-growing shrubs and/or groundcovers (other than grass), including sufficient quantities to earn at least 12 landscape "credits" in addition to any required for the yard in which the sign is located. The landscape treatment shall be designed and maintained to ensure that sight triangle standards are met.

(Ord. No. 03-42(R), 12/2/03; Ord. No. 05-34(R), 12/20/05; Ord. No. 08-17(R), 3/17/09; Ord. No. 15-8, 7/21/15)

Sec. 24.1-703. Permitted signs.

(a) The following table indicates the functional class, structural class, area, height, and type of illumination of signs permitted within each of the zoning districts prescribed by this chapter. All such signs shall be in accordance with the general provisions established in section 24-702.
### Section 24.1-703. District Sign Regulations

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1. See Section 24.1-706 for Shopping Center sign standards

(Ord. No. O98-15(R), 9/2/98; Ord. No. O98-18, 10/7/98; Ord. No. 01-20(R), 10/16/01; Ord. No. 03-42(R), 12/2/03; Ord. No. 14-12, 6/17/14)

### Sec. 24.1-704. Temporary signs.

The zoning administrator, upon application, may issue permits for the following temporary signs and banners. Such signs shall not count against the normal sign area allowances for the property on which located. All temporary signs and banners shall be subject to the setback and sight-triangle clearance standards applicable to permanent signs. Freestanding temporary signs and banners shall be limited to one (1) per street frontage per individual parcel; building mounted temporary banners shall be limited to one per business establishment/tenant space with its own individual exterior entrance:

(a) Banners or other temporary signs not exceeding forty (40) square feet in area, which promote a special civic, cultural or religious event such as a fair, exposition, play, concert or meeting sponsored by a governmental, charitable, not-for-profit or religious organization. The duration of such permit shall not exceed thirty (30) days.

(aa) Banners or other temporary signs not exceeding forty (40) square feet in area which identify and are associated with a temporary business activity involving the sale of seasonal commodities as permitted pursuant to sections 24.1-306 and 24.1-440 of this chapter and which may be displayed for the duration of the seasonal commodities sales operation.
(b) Banners or other temporary signs not exceeding forty (40) square feet in area, and six (6) feet in height if freestanding, when used in conjunction with the opening of a new business or an establishment going out of business in any commercial or industrial district or a legally existing nonconforming business in any other district. The duration of such permit shall not exceed sixty (60) days and only one such sign, either freestanding or building mounted, shall be permitted. “Grand-Opening” temporary signage shall be permitted only within the one-year period after the actual business opening occurs. The completion of a major interior or exterior remodeling or a change in ownership for a pre-existing business shall be deemed eligible for temporary “grand-opening” banners within the one-year period after the renovation or ownership change.

(bb) In addition to the above, businesses may install temporary banners or signs, not exceeding forty (40) square feet in area, and six (6) feet in height if freestanding, for the following purposes:

1. announcing employment opportunities (e.g., “Now Hiring” or “Help Wanted”);
2. announcing “Now Enrolling” in the case of a childcare or daycare center;
3. announcing a sales event such as a “Clearance Sale” or “Truckload Sale”, an anniversary of the business operation (e.g., “25th Year in Business”), or other business-related messages, including those that refer to a specific item, product or brand that is offered by the business;
4. identifying/advertising a temporary business activity as permitted under Section 24.1-306 – Category 8 – Temporary Uses.

Such temporary signs or banners must be on the site of such business. Only one (1) building-mounted or one (1) freestanding sign shall be permitted per street frontage. Such sign may be displayed for a maximum period of 120 days in any single 12-month period. The 120-days maximum display allowance may be used as 120 consecutive days or may be broken into as many as six (6) separate time periods during the course of a 12-month period. The permit application for such sign shall specify the time period(s) during which the sign will be displayed.

In the case of a property occupied by a building or buildings with multiple tenant spaces (e.g., a strip shopping center), each business establishment/tenant space with its own individual exterior entrance shall be eligible for its own temporary building-mounted sign or banner, which shall be subject to the 120-days per 12-month period allowance. The property also shall be eligible for one (1) freestanding temporary sign or banner per street frontage, provided however that such freestanding sign may not be displayed at any time during which building-mounted signs or banners allowed by this subsection are being displayed by businesses within the center.

Temporary business signs as allowed above and associated with properties having access to and from a road undergoing reconstruction may be displayed for the duration of the road construction project and shall not be limited to the 120-day display period set forth in this subsection. Properties eligible for this allowance shall be those located within the official project corridor as defined by and identified on the approved project plans. The project duration shall be considered to be the time between the actual commencement of land or pavement disturbing construction activity and the reopening of all lanes of travel in their state of final completion.

(c) Temporary portable signs, not exceeding thirty-two (32) square feet in area or one (1) per parcel, which are intended to identify or display information pertaining to an establishment for which permanent free-standing signage is on order as evidenced by presentation of a copy of an executed order form for such permanent signage to the Zoning Administrator. Such permit shall expire and the portable sign shall be removed upon erection of the permanent sign or 120 days whichever shall occur first. In addition, temporary banners or sign sleeves, neither of which exceed normal sign area allowances, may be used when permanent signage is on order, as evidenced in the manner described above or when in the opinion of the zoning administrator other temporary business circumstances, such as relocation due to fire or disaster, warrant such use and the size of the temporary banner/sleeve does not exceed normally permitted sign area allowances. Such signage may be authorized for terms of up to 120 days, and may be renewed for good cause shown.
The 120-day maximum display limit shall not apply in the case of properties having access to and from a road undergoing reconstruction, and instead the allowable display period shall be the duration of the road construction project. Properties eligible for this allowance shall be those located within the official project corridor as defined by and identified on the approved project plans. The project duration shall be considered to be the time between the actual commencement of land or pavement disturbing construction activity and the re-opening of all lanes of travel in their state of final completion.

(d) Temporary signs and banners when used to announce the grand opening and initiation of sales or leasing of lots and/or dwelling units within a newly developing residential project having at least ten (10) lots or units. The cumulative area of all such signs and banners erected for any single residential project shall not exceed forty (40) square feet. Signs and banners shall not be illuminated. The duration of such permit shall not exceed 120 days.

(e) Temporary signs and banners when used to announce special events such as new home shows being conducted within a residential subdivision or development. The cumulative area of all such signs and banners erected for any single event shall not exceed forty (40) square feet. Signs and banners shall not be illuminated. Such signs shall not be erected more than fourteen (14) days prior to the event and shall be removed within seven (7) days following the closing of the event; provided, however, that no sign or banner shall be permitted to remain in place for any event for more than thirty (30) days between the first appearance and its removal.

(f) With the approval of the Virginia Department of Transportation, the zoning administrator may authorize banners to be suspended above a public road right-of-way for a period not to exceed seven (7) days or the duration of the event being announced or promoted plus three (3) days, whichever shall be greater.

Sec. 24.1-704.1. Sidewalk signs.

The zoning administrator, upon application, may issue permits for sidewalk signs subject to the following standards and conditions. Such signs shall not count against the normal sign area allowances for the property on which located.

(a) One non-illuminated sidewalk sign is allowed per business establishment having an exterior customer/client entrance. In the event a structure houses multiple businesses sharing a common customer entrance, two sidewalk signs may be authorized provided that the two signs are no closer than 30 feet to one another. Nothing shall prevent the identification of more than one of the businesses located on the premises on a single sign.

(b) The placement of sidewalk signs shall be limited to a location within fifteen feet (15') of the front (i.e., between the imaginary extension of the side walls of the building) of the establishment to which it refers and not more than thirty feet (30') from the main customer/client entrance of the establishment.

(c) Sign area shall not exceed 6 square feet (e.g., each face of a double-sided or A-frame sign). Maximum height shall be 4 feet. Maximum width shall be 2'6”.

(d) Sidewalk signs shall be constructed of durable materials, sufficient to withstand inclement weather, as well as color fading due to sunlight. Sidewalk signs shall not be constructed of glass.

(e) The sign face may include permanent/fixed copy (e.g., painted on the surface) and changeable copy. Acceptable materials for changeable copy sidewalk signs may include chalk, dry-erase, removable letters, or other similar types of boards on which the messages can be easily and frequently changed.

(f) The sign shall be of sufficient weight to prevent it from becoming a hazard in windy conditions or from being overturned by contact. Weights, if required, must be incorporated into the sign design and construction. The use of sandbags, bricks or similar items to add weight to the sign is not...
(g) No temporary posters, letters, flyers, balloons, pennants, flags, or other attention-getting devices may be attached to the sign. Mobile or moving sign copy or sign parts shall not be permitted.

(h) The sign placement shall not prevent the sidewalk from being accessible as required by the Americans with Disabilities Act, nor shall it cause the unobstructed, clear-path of the walkway to be less than four feet (4') in width.

(i) No sign shall be located within or closer than two feet (2') from curbs, driveways, parking lots or any other vehicular circulation or parking surfaces. No such sign shall be located in conflict with sight distance/sight triangle standards.

(j) No such sign shall be permitted within a public road right-of-way.

(k) The sign must be removed from the sidewalk or display location during times when the identified business establishment is closed. Storage during non-business hours shall be indoors.

(l) When such sign is to be located on a sidewalk or walkway not under the sole control of the business owner, such as on a walkway within the common area of a multi-tenant shopping center or retail complex, the application for approval shall be accompanied by documentation indicating that the sidewalk owner has approved the use, design and placement of the sign.

(Ord. No. O13-5, 4/16/13)

Sec. 24.1-704.2. Political Signs

Political signs shall be permitted subject to the following provisions and to the general regulations set out in Section 24.1-702, except as specifically noted, and provided further that no permits shall be required.

(a) In commercial and industrial districts, one sign, not exceeding forty (40) square feet, may be erected/installed on property serving as a political headquarters. Such sign shall be installed no earlier than sixty (60) days prior to the election, canvass, or primary to which it pertains and shall be removed within seven (7) days following the election, canvass or primary.

(b) Non-illuminated political signs and posters may be placed on individual properties in accordance with the following provisions and with the owner’s permission:

1) Signs or posters not exceeding six (6) square feet each in area and not limited as to the number of such signs;

2) One sign or poster not exceeding forty (40) square feet may be installed on each street frontage of any property.

Such signs shall be exempt from the normal ten-foot (10’) minimum setback requirement for signs and shall be removed within seven (7) days following the election, canvass or primary to which they pertain.

(Ord. No. 14-16, 9/16/14)

Sec. 24.1-705. Special sign regulations applicable to shopping centers.

Shopping centers, as defined in section 24.1-104, shall be subject to the following sign regulations:

(a) All signs shall comply with the general provisions specified in section 24.1-702 unless otherwise specified herein.

(b) The following provisions shall apply to shopping center free-standing signs, notwithstanding the district in which located:

1) One (1) free-standing sign shall be permitted for each street frontage.

2) The maximum area of any one (1) free-standing sign shall be one hundred fifty (150) square
(3) The maximum cumulative free-standing sign area per shopping center shall be two hundred (200) square feet.

(c) Each individual tenant within a shopping center shall be permitted one (1) marquee or canopy sign provided that such sign shall not exceed a maximum area of three (3) square feet and shall have a minimum ground clearance to the bottom of the sign of not less than eight (8) feet.

(d) In addition to the marquee or canopy sign, wall signs shall be permitted provided that the cumulative area of such signs, including the marquee sign, shall not exceed the maximum cumulative sign area allowable in the district in which located, as specified in section 24.1-703.

(e) Individual free-standing signs for individual shopping center tenants shall not be permitted. For the purposes of this section, lawfully subdivided outparcels which have been depicted on the approved shopping center site plan shall be considered as separate parcels and may be signed as such.

(f) In addition to the signage opportunities set forth above, a regional shopping center containing in excess of 350,000 square feet of tenant space and which is located on a parcel having at least 1,500 feet of frontage on an Interstate System highway and having direct access to a Primary System highway intersecting the interstate shall be entitled to the following special signage allowance:

1. Subject to compliance with the terms of Section 33.1-370 of the Code of Virginia, the shopping center may install one (1) freestanding monument-style sign identifying the name of the center and such tenants as desired along its Interstate System frontage. One (1) such sign may also be installed along the intersecting Primary System frontage.

2. Such signs shall not exceed 600 square feet in area and 45 feet in height and shall be exempt from any sign area or sign height limitations applicable to the regional shopping center pursuant to the TCM – Tourist Corridor Management regulations established in Section 24.1-375 of this chapter.

3. Such signs shall not count against or negate the signage opportunities otherwise available to the center along any other public street/highway frontages of the shopping center parcel.

Sec. 24.1-705.1. Special sign regulations applicable to regional medical centers.

Regional medical centers, as defined in section 24.1-104, shall be permitted to erect signage in accordance with the following provisions and all general provisions specified in section 24.1-702:

(a) One (1) freestanding monument sign shall be permitted at the primary entrance to the medical center. Such sign shall not exceed one hundred fifty (150) square feet in area, or fifteen feet (15') in height.

(b) Additional freestanding monument signs shall be permitted at secondary entrances to the medical center provided that no such sign shall exceed thirty-two (32) square feet in area or six (6) feet in height and provided further that the maximum cumulative sign area for all entrances to the medical center shall not exceed two hundred (200) square feet.

Sec. 24.1-706. Off-premises directional signs.

(a) The zoning administrator may authorize, by permit, the installation of off-premises directional signs for churches, civic organizations, governmental functions, hospital-based emergency centers and similar activities or establishments, subject to the following findings and conditions:

1. The location of the use to which the sign pertains prevents adequate identification by such
(2) The function of such signs shall be limited to directional or identification purposes.

(3) The location of such signs shall be consistent with the uses existing or permitted on the site of such sign. A written authorization from the owner of the property on which such sign is proposed to be located or a recorded easement permitting the placement of the sign shall be submitted to the zoning administrator at the time of application for necessary permits.

(4) Such signs shall be limited to a maximum area of eight (8) square feet and a maximum height of six (6) feet and shall comply with all other applicable provisions of this article. Not more than three (3) such signs shall be permitted for any single use. All off-premises directional signs, except those permitted under section 24.1-706(b) below, shall have a background color of green, blue or brown with white letters.

(b) Off-premises directional open house signs may be erected in any zoning district when in accordance with the following conditions:

(1) The function of such signs shall be limited to directional purposes, as opposed to advertisement of an individual realtor or realty firm. No specific realtor or realty firm name(s) shall appear on such signs provided, however, that the registered trademark of the National Association of Realtors and the equal housing opportunity logo shall be permitted.

(2) Such signs shall refer only to real estate open houses whose purpose is to sell, lease, or rent residential property.

(3) No such sign shall exceed three (3) square feet in area and three feet (3') in height.

(4) Such signs shall be located only at intersections where a turning movement is indicated.

(5) No more than two (2) such signs shall be located at any one intersection, nor shall such signs at the same intersection point in the same direction.

(6) Such signs shall be displayed only when the residential unit is open for public viewing.

(7) Such signs shall be placed only on privately owned property and only with the express consent of the owner of said property.

(8) The provisions of Section 24.1-702(j) notwithstanding, such signs shall not be subject to the minimum ten-foot (10') setback from property lines when placed on private property.

(Ord. No. 03-42(R), 12/2/03; Ord. No. 05-13(R), 5/17/05; Ord. No. 08-17(R), 3/17/09)

Sec. 24.1-707. Exempt signs.

The following signs may be erected, altered or maintained in any zoning district when in accordance with the general provisions established in section 24.1-702, except as noted, and provided further, that permits shall not be required unless specifically noted.

(a) Signs erected and maintained pursuant to and in discharge of any federal, state or county governmental function, or as may be required by law, ordinance or governmental regulation including official traffic signs and signals, warning devices and other similar signs.

(b) Memorial signs or tablets, cornerstones or names of buildings when cut into masonry or when constructed of bronze or other noncombustible material, but not to exceed six (6) square feet in area.

(c) Non-illuminated construction signs, not exceeding thirty-two (32) square feet in area and six feet (6') in height and limited to three signs for each street frontage. No such signs shall be permitted unless a building permit has been issued or unless a site plan for the proposed development has been submitted to the county for official review. Such signs shall be removed at the completion of

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(d) Non-illuminated realty signs, not exceeding six (6) square feet in area and four feet (4') in height in all single family residential districts, and thirty-two (32) square feet and six (6) feet in height in all multi-family, commercial and industrial zoning districts, and limited to one sign for each street frontage, and only when displayed on the premises to which such sign refers. Such signs shall be exempt from the 10-foot minimum setback requirement.

(e) Non-illuminated signs identifying official state automobile inspection stations and the inspection number which is then due, provided that such signs shall not exceed sixteen (16) square feet in area and shall be limited to one sign for each street frontage. "A-frame" designs shall be considered as a single sign for the purposes of this section.

(f) Bulletin boards for churches or other permanent places of worship, or for public buildings, when located on the same premises as the building to which they refer, and provided that such signs shall not exceed twelve (12) square feet in area and six feet (6') in height. If such sign is a free-standing or illuminated sign, a permit shall be secured.

(g) Non-illuminated signs and posters of less than four (4) square feet in area advertising or providing directions to a residential, civic or community operated yard or garage sale or an estate sale or auction. Such signs shall be exempt from the 10-foot minimum setback requirement.

(h) Signs attached to machinery or equipment which is necessary or customary to a business including, but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc., provided that such signs refer exclusively to products or services offered on the premises.

(i) On-premises directional signs, not exceeding three (3) square feet in area and three feet (3') in height and not containing any advertising material or discernible business logo. A permit shall be secured for any illuminated signs. Such signs shall be exempt from the 10-foot minimum setback requirement.

(j) Signs displayed in the windows of establishments permitted in commercial and industrial districts provided, however, that such signs shall not occupy more than twenty-five percent (25%) of the total area of the window in which they are displayed and shall not be legible from any public street.

(k) Menu boards which are either free-standing or wall signs providing information on food and beverages offered for drive-in sales on the premises, provided that such signs and any business logos thereon are not legible from any public right-of-way and do not exceed an aggregate or individual area of thirty-two (32) square feet per drive-thru lane. A permit shall be secured.

(l) Signs or scoreboards within a ball park or other similar public or private recreational use which are oriented to the facility and are not designed or intended to be legible from a public street or adjacent properties.

(m) Flags, emblems or insignia of the United States, the Commonwealth of Virginia, York County, religious groups, civic organizations, service clubs and similar organizations, groups, agencies, etc. One (1) corporate logo emblem flag per parcel shall be permitted; provided however, that such sign shall count toward the maximum allowable sign area for the subject parcel. Flagpoles shall conform with the height regulations of the district in which located. Placement of flags in such quantities and locations as to be for attention-getting/advertising purposes, in the opinion of the zoning administrator, shall not be considered exempt under this section.

(n) Non-illuminated signs warning trespassers or announcing property as posted, not to exceed four (4) square feet per sign. Such signs may be located on trees or, with the permission of the owner, utility poles. Such signs shall be exempt from the 10-foot minimum setback requirement.

(o) On-premises safety and directional signs within a business or industrial district which are not visible from a public right-of-way or abutting property lines. A permit shall be secured for any free-standing or illuminated sign.

(p) Special notice placards, not to exceed a total of four (4) square feet in area for all such placards of
any establishment, attached to a building or to a free-standing sign indicating credit cards which are accepted on the premises, group affiliations of which the business is a member, or clubs or groups which utilize, recommend, inspect or approve the business for use by its members. A permit shall be secured for any illuminated signs.

(q) Identification and directional boards, which are either free-standing or wall signs, designed as an outdoor means of providing information concerning the name and location of individual establishments or offices within an office, retail or industrial complex, provided that such signs are not legible from any public right-of-way and do not exceed thirty-two (32) square feet and provided further that the location of such signs shall be limited to major vehicular or pedestrian intersections, decision points and/or major sub-areas of such complex. A permit shall be secured for any free-standing or illuminated sign.

(r) Identification signs for churches and schools, regardless of the district in which located, shall be permitted provided that they are of a ground mounted monument type and do not exceed forty (40) square feet in area and six (6) feet in height. A permit shall be obtained.

Sec. 24.1-708. Special standards for community, business/office/industrial park identification signs.

(a) Residential community or business, office or industrial park identification signs shall be erected in accordance with section 24.1-703 and the following standards:

1. Such signs must be located within the subdivision, apartment complex or other residential development being identified. The sign shall be located on one (1) of the lots within said development or on property which is owned and controlled in common by the owners of individual lots and units within the development and an affidavit affirming the responsibility for maintenance of the sign shall be filed with the application for a permit.

2. A permit as required by section 24.1-702 shall be secured;

3. The sign shall be of masonry, wood or other material construction, but not plastic or similar material, so as to be permanent in nature;

4. Any external illumination shall be by lighting fixtures placed at ground level and directed in such a manner as to prevent flare onto adjacent roadways or properties.

5. When the development includes a symmetrical design feature on both sides of the entrance street or driveway such as a decorative wall or fence, identical community identification signs may be mounted on the decorative feature on both sides of the street/drive.

Sec. 24.1-709. Abandoned signs.

A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. In the event a nonconforming sign refers to a business that has not been in operation for a period of at least two (2) years, such sign shall be considered abandoned and shall be considered to be in violation of this chapter. After reasonable efforts to provide notice to the property owner of the need to remove the violation, and failure of the property owner to do so, the zoning administrator may cause the abandoned sign to be removed at the owner’s expense.

Sec. 24.1-710. Prohibited signs.

Unless specifically stated otherwise, the following signs shall not be permitted in the county:

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CODE OF THE COUNTY OF YORK, VIRGINIA

CHAPTER 24.1

(a) Signs with moving, revolving or rotating parts, optical illusions of movement, mechanical movement of any description, or other apparent movement achieved by electrical, electronic, mechanical or natural means, but not including time, temperature and date signs, and traditional barber poles.

(b) Signs with lights which flash, move, rotate, blink, flicker, or vary in either intensity or color, or which change the message or image more frequently than once every 24 hours.

The above provisions notwithstanding, electronic message center signs (changeable message or image signs) which change more frequently than once every 24 hours shall be permitted on the freestanding signage otherwise allowed for places of worship and for community, regional, or specialty shopping centers, as defined in this chapter, provided that:

1. each message or image shall remain fixed and unchanged for a minimum period of eight (8) seconds;

2. there is no appearance of movement, scrolling, dissolving or fading in which images or messages “move” or in which part of one message or image appears simultaneously with any part of a second or subsequent one;

3. the maximum illumination intensity shall not exceed the limits prescribed in Section 24.1-702(m) and any illumination intensity, contrast or coloration of the message text or image shall remain constant for each display period;

4. when such sign is installed at a place of worship located in a Residential zoning district it shall be designed and operated so that between dusk and dawn the background field for any variable text message on the sign shall be black and the lights constituting the message text or any image shall be amber or orange; and

5. provided further, that this special signage opportunity shall not be permitted for any place of worship or shopping center located in a TCM-Tourist Corridor Management Overlay district.

Message or image changes on any other changeable message/image signs shall occur no more frequently than once every 24 hours.

(c) Moored balloons or other floating signs that are tethered to a structure or the ground.

(d) Pennants.

(e) Portable signs, except those used in the specific instances authorized by permit by the terms of section 24.1-704. This provision shall not be construed to prohibit signs of reasonable size and proportion as determined by the zoning administrator, painted on or attached to automobiles, trucks, buses, trailers or other vehicles which are used in the normal course of business. It shall, however, be construed to prohibit the parking of vehicles or trailers on which signs are hung, or otherwise attached, when such parking is for display purposes intended to circumvent the provisions of this chapter. The removal of wheels and chassis assemblies from a portable message board sign with the intent of mounting it on posts shall not be sufficient to cause the sign to be permitted as a freestanding or wall sign.

(f) Any sign which by reason of position, shape or color may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.

(g) Advertising signs.


All signs shall be maintained in good condition and appearance and shall be removed from the premises when they can no longer be repaired.
Sec. 24.1-712. Standards for increases in sign area and height.

The board may authorize, by special use permit issued in accordance with all applicable procedural requirements:

(a) increases in sign area and sign height when unusual topography, vegetation, parcel shape, or the distance from the road right-of-way would impose substantial hardship by making a sign otherwise permitted by the terms of this chapter ineffective and unreadable from vehicles on adjoining (i.e., abutting) roadways; or

(b) an increase in the number of allowable signs in the case of shopping centers or other large commercial uses having more than 100,000 square feet of retail floor area, and having in excess of 1,000 feet of frontage and more than one entrance drive on the same street frontage, when it is determined that distance, topography, or other factors prevent adequate and timely recognition by motorists of the available entrance points to such shopping center or commercial use.

In authorizing signs in either of the above situations, the board shall limit the area, height, and location of such signs to that which, in its opinion, is reasonably in keeping with the provisions of Article VII.

(Ord. No. O98-15(R), 9/2/98; Ord. No. 03-42(R), 12/2/03; Ord. No. 11-15(R), 11/16/11)

ARTICLE VIII. NONCONFORMING USES

Sec. 24.1-800. Continuation of existing uses.

If, at the time of the adoption of this chapter or any amendment thereto, any use, lot, or structure is being used in a manner or for a purpose which does not conform to the regulations of the district in which it is located, but which was legal at the time of its creation and which is not prohibited by any other law or ordinance, the use, lot, or structure may be continued, without regard to any change of occupancy or ownership. Such use, lot, or structure shall be deemed a nonconforming use and shall be subject to the provisions of this article.

(Ord. No. 02-16, 9/17/02)

Sec. 24.1-801. Nonconforming uses.

(a) **Enlargement or extension.** A nonconforming use shall not be enlarged, extended, reconstructed, or structurally altered except in conformance with the provisions of this section.

(1) Structural additions, either attached or detached, may be made to single-family detached residences located in non-residential districts provided that such additions comply with all applicable setback and yard requirements for the district in which located and that the minimum open space provisions for said district are observed.

(2) No other nonconforming uses shall be enlarged or extended in any way except and unless the board shall authorize such enlargement or expansion through the issuance of a special exception which shall be processed and administered in the same way as are special use permits, provided, however, in addition to the standards set out in article I, the board shall consider whether the character of the existing use will be preserved in the event of the proposed enlargement. All owners of property located within five hundred feet (500') of the subject parcel, whether abutting or not, shall be sent notice of public hearings pertaining to the request. In no case shall the nonconforming use be permitted to expand by more than fifty percent (50%) of its size measured in building floor area on the date that it became nonconforming.

(b) **Discontinuance.** In the event a nonconforming use ceases for any reason for a period of more than two (2) consecutive years, such nonconforming use shall not be reestablished. For purposes of this section, the term "discontinued" shall mean a cessation of a use or of any portion of a use, regardless of any intent by the user or owner to reestablish the use in the future. Discontinuance shall not be synonymous with abandonment and this shall be construed to incorporate both time and place, such that if the nonconforming use ceases in a particular structure or location for more than two (2) years even though it continues elsewhere on the same lot or parcel, the nonconforming use may not be reestablished in the structure or location where it was discontinued.

(c) **Damage or destruction.** In the event a nonconforming use, or the structure(s) associated with that nonconforming use, is damaged or destroyed by a natural disaster or other cause beyond the control of the owner, such use and associated structure(s) may be reestablished or reconstructed within two (2) years of the date of such damage or destruction provided, however, that such reestablishment or reconstruction shall not have the effect of enlarging or extending the nonconforming use or associated structure(s), unless in conformance with the provisions of section 24.1-801(a) above. However, if the nonconforming use is in an area under a federal disaster declaration and the damage or destruction is a direct result of the conditions that gave rise to the declaration, then the allowable timeframe for reestablishment or reconstruction shall be four (4) years. For a use which is dependent upon occupancy of a destroyed or damaged structure, the use shall be deemed to be reestablished upon the issuance of a building permit for the structure, provided the completion of the structure is thereafter diligently pursued. In the event the use does not involve a structure, the actual operation and conduct of the use shall be the measure of reestablishment. After two (2) years, or four (4) years if applicable, of the damage or destruction, all nonconforming use rights shall be lost.

Reconstruction of structures pursuant to the above provisions shall be in compliance with the terms of the Virginia Uniform Statewide Building Code and all applicable terms of the Floodplain Management Overlay District regulations (section 24.1-373 of this chapter) and in a manner that eliminates or reduces nonconforming features to the extent possible. The reconstruction of any nonconforming structures shall be in accordance with the terms of section 24.1-802.
Nothing in this section shall be construed to prohibit normal and ordinary repairs and maintenance for a structure housing a nonconforming use. However, owner-initiated demolition and rebuilding/reconstruction of all or any structural portion of a building housing such use, shall not be permitted unless the need for demolition is the result of a natural disaster or other cause beyond the control of the owner.

Nothing in this section shall be construed to prevent the removal of a valid nonconforming manufactured housing unit from property and its replacement with another comparable manufactured housing unit in accordance with section 24.1-802(c).

(d) Changes in use. A nonconforming use may at any time, upon approval of a site plan submitted in accordance with article V of this chapter, be changed to a conforming use or to a use which is more nearly conforming with the regulations of the district in which it is located.

(e) Movement. Except as provided in section 24.1-801(a) above, no nonconforming use shall be moved in whole or in part on the same lot or parcel or to any other lot or parcel which is not properly zoned to permit such use.

(f) Construction. Except as provided in section 24.1-801(a) above, no additional structures which do not conform to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(Ord. No. 02-16, 9/17/02; Ord. No. 08-17(R), 3/17/09)


(a) Enlargement or alteration. No structure which is nonconforming by reason of a conflict with the setback, yard, height or similar regulations of the district in which located may be enlarged, extended, structurally altered or moved in any way which increases its nonconformance with the applicable setback, yard, height or similar regulations of the district in which located. Except as may be provided in article II relative to front yards in built-up areas, any addition to nonconforming structures shall comply in all respects with the applicable setback, yard, height or similar regulations of the district in which located.

(b) Damage or destruction. A nonconforming structure which is damaged or destroyed by a natural disaster, act of God, or other cause beyond the control of the owner may be reconstructed at the location of its original foundation, or at a location on the lot which is conforming or more nearly conforming provided that such reconstruction occurs within two (2) years of such damage or destruction and provided that a site plan submitted in accordance with article V of this chapter is approved. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. However, if the nonconforming building or structure is in an area under a federal disaster declaration and the damage or destruction is a direct result of the conditions that gave rise to the disaster declaration, then the allowable timeframe for reestablishment or reconstruction shall be four (4) years. Repair, rebuilding or replacement of structures shall be in compliance with the terms of the Virginia Uniform Statewide Building Code and all applicable terms of the Floodplain Management Overlay District regulations (section 24.1-373 of this chapter) and in a manner that eliminates or reduces nonconforming features to the extent possible. Reconstruction shall be deemed to have occurred upon the issuance of a building permit for the structure, provided that completion is thereafter diligently pursued. If a building permit has not been issued for such reconstruction within two (2) years or four (4) years if applicable, of the damage or destruction, then such structure may be reconstructed only in full accordance with all normally applicable provisions of this chapter.

For purposes of this section, "act of God" shall include any natural disaster or phenomenon including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia section 18.2-77 or 18.2-80, and obtain vested rights under this section.
Nothing in this section shall be deemed to prohibit normal and ordinary repairs and maintenance for a nonconforming structure. However, owner-initiated demolition and rebuilding/reconstruction of all or any structural portion of a nonconforming structure, shall not be permitted unless the need for demolition is the result of a natural disaster or other cause beyond the control of the owner.

(c) **Special provisions for manufactured housing units.** Nothing in this section shall be construed to prevent the removal of a valid nonconforming manufactured home from a mobile home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code, provided that the degree of nonconformity with any yard or setback requirements applicable to the district in which located does not increase. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. If the nonconforming mobile or manufactured home is located on a property not within a mobile home park, it may be replaced with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code and provided that any nonconformity with yard or setback requirements does not increase. Such replacement unit shall retain the valid nonconforming status of the home.

(d) Other provisions of this Chapter notwithstanding, when the owner of a building which would normally be considered not to meet the criteria for a legally existing nonconforming structure can document that:

1. such building was permitted by a Building Permit issued by York County and that the building was constructed in accordance with the Building Permit and was issued a Certificate of Occupancy by the County, or
2. the owner of such a building has paid taxes to the County for such building for a period of more than the previous fifteen (15) years; then such building shall be deemed to be nonconforming, but not illegal, provided that it is brought into compliance with the Uniform Statewide Building Code.

(e) Other provisions of this Chapter notwithstanding, where York County has issued a permit, other than a Building Permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, such improvement, if not in conformance with this chapter, shall be deemed to be nonconforming, but not illegal.

(Ord. No. 02-16, 9/17/02)(Ord. No. 03-31, 8/5/03; Ord. No. 08-17(R), 3/17/09; Ord. No. 09-15, 8/18/09; Ord. No. 10-24, 12/21/10; Ord. No. 14-21, 11/18/14)

**Sec. 24.1-803. Accessory structures or uses.**

Except as may be provided in section 24.1-801(a), structures accessory to a nonconforming principal use shall not be established or enlarged, and the character of uses accessory to a nonconforming principal use shall not be changed.

(Ord. No. O98-18, 10/7/98)

**Sec. 24.1-804. Nonconforming lots.**

Where a lot of record, existing at the time of adoption of this chapter or amendments thereto, does not conform to the area, width or other dimensional requirements of this chapter, such lot shall be deemed a nonconforming lot of record and shall be subject to the requirements of the applicable district in effect at the time of application for development approval, provided, however, that where a lawfully recorded subdivision plat establishes and depicts minimum building setback lines that were legal at the time of recordation, the recorded minimum setback may be used provided that the front setback is not less than thirty feet (30').

In all other situations, the following standards shall apply:

(a) **Residential districts.** Nonconforming lots in residential districts may be used for any permitted use provided that the following minimum yard requirements are observed:

1. **Front yard.** The normally applicable dimension shall be effective and shall not be reduced in depth, unless the standards in section 24.1-222 are met. However, where the front yard setback of an existing structure is nonconforming, but not less than thirty feet (30'), additions to such structure may be constructed at the same setback as the existing structure.
(2) **Side yard.** The normally applicable dimension may be reduced by one foot (1') for each two feet (2') of deficiency in the lot width, but in no case shall any side yard be less than ten feet (10') in width.

(3) **Rear yard.** The normally applicable dimension may be reduced to not less than fifteen percent (15%) of the lot depth, or fifteen feet (15'), whichever is greater.

(b) **Commercial or industrial districts.** Nonconforming lots in commercial or industrial districts may be used for any permitted use provided that the following minimum yard requirements are observed:

(1) **Front yard.** The normally applicable dimension shall be effective and shall not be reduced in depth, unless the standards in section 24.1-222 are met. However, where the front yard setback of an existing structure is nonconforming, but not less than forty feet (40'), additions to such structure may be constructed at the same setback as the existing structure.

(2) **Side yard.** The normally applicable dimension or not less than ten percent (10%) of the lot width, whichever is less.

(3) **Rear yard.** The normally applicable dimension or not less than fifteen percent (15%) of the lot depth, whichever is less.

(c) None of the adjustments authorized herein shall be construed to supersede or repeal any special setback, landscape yard, or transitional buffer requirements established and applicable under other provisions of this chapter.

**Sec. 24.1-805. Validity of previously-issued permits and approvals.**

No provision of this chapter shall be construed to affect the validity of any of the following:

(a) Any building permit legally issued prior to the adoption of this chapter or amendments thereto, provided that all of the terms and conditions of such permit are observed.

(b) Any site plan which received either preliminary or final approval prior to the adoption of this chapter or amendments thereto, provided that all time limitations relative to the period of validity of said plan approval are observed.

(c) Any special use permit lawfully authorized by the board prior to the adoption of this chapter or amendments thereto, provided that all of the terms and conditions of such permit are observed. Any use legally established by use permit which subsequently becomes nonconforming may be enlarged or expanded only in accordance with the provisions of section 24.1-801(a) of this chapter.

(d) Subdivisions granted approval prior to the adoption of this chapter or amendment thereto, may proceed to record provided that all of the terms and conditions of plan approval, including time limits, are observed, and that the minimum lot size and lot width may be in accordance with the area and dimensional requirements existing at the date of such approval. Upon recordation of the subdivision plat, any lot not complying with the area or lot width requirements of the then current zoning classification shall be deemed a lawfully nonconforming lot of record and the front yard requirements for such lots may be adjusted as allowed by the terms of Section 24.1-804. An approved preliminary subdivision plat, duly signed and dated by the agent, as defined in the subdivision ordinance, shall constitute approval for the purpose of this section if executed in accordance with all applicable laws.

(e) Any approval of a planned development granted prior to the adoption of this chapter or amendment thereto. Such development may proceed to record provided that all of the terms and conditions of the approval, including time limits, are observed. An approved detailed plan for at least one (1) section of the development shall constitute approval for the purpose of this section.

(Ord. No. 01-20(R), 10/16/01; Ord. No. 08-17(R), 3/17/09)

**Secs. 24.1-806—24.1-899. Reserved.**
APPENDIX A

DIAGRAMS, TABLES AND FIGURES
FIGURE I-1

CLUSTER VERSUS CONVENTIONAL SUBDIVISION
Conventional Subdivision

Cluster Subdivision
FIGURE 1-3
LOT TYPES
FIGURE I-4

SPECIAL USE PERMIT PROCESS

Pre-Application Meeting (optional)
File a Complete Application
Application Advertised
Transmit Application for Comments
Comments Compiled with those of Planning Staff
Staff Report Drafted
Report Discussed with Applicant
Report Revised as Appropriate and Transmitted to Planning Commission
Planning Commission Public Hearing & Meeting
Recommend Denial
Recommend Approval
Continue/ Table
Application Advertised for Public Hearing by Board of Supervisors
Report Prepared for Board of Supervisors
Board of Supervisors Public Hearing/Meeting
STOP
DENY
APPROVE
TABLE
Proceed With Plans/Project

Wait a minimum of 1 year

VDOT
Public Safety
Environmental Services
Plan Review
Drainage
County Attorney
FIGURE II-3
CORNER LOTS VERSUS INTERIOR LOTS

* SIDE AND REAR YARD DETERMINATIONS TO BE MADE AT TIME OF BUILDING PERMIT APPLICATION BASED ON ORIENTATION OF PROPOSED STRUCTURE ON LOT #2 AND ORIENTATION OF ANY EXISTING STRUCTURES ON LOT #s 1 AND 3.
FIGURE II-4
SIGHT TRIANGLES

SIGHT TRIANGLE TABLE

<table>
<thead>
<tr>
<th><em>A</em> (in feet)</th>
<th>20</th>
<th>20</th>
<th>30</th>
<th>40</th>
<th>50</th>
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<td>30</td>
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<td>Minor Collector</td>
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<td>30</td>
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<td>Major Collector</td>
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<td>Minor Arterial</td>
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<td>20</td>
<td>30</td>
<td>40</td>
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<td>60</td>
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</table>
FIGURE II-5
EARTH BERM
FIGURE II-6
STAGGERED PLANTING
FIGURE II-7
TRANSITIONAL BUFFER ZONES

NOTES: These are schematic diagrams. Transitional buffers need not be designed exactly as depicted. Linear feet (linear meter) measurement is along the outside edge of the transitional buffer.
FIGURE II-7.1
ACCESSORY BUILDING SETBACK

[Diagram showing setback requirements for accessory buildings, indicating setback distances from lot lines.]
NOTES

1. THE PLAT SHALL CONTAIN ONE OF THE FOLLOWING TITLES AS APPLICABLE:
   a.) PLAT OF EASEMENT DEDICATION
   b.) PLAT OF RIGHT-OF-WAY DEDICATION
   c.) PLAT OF EASEMENT/RIGHT-OF-WAY DEDICATION

2. ALL EASEMENTS TO BE DEDICATED TO THE COUNTY SHALL BE SPECIFIED AS DRAINAGE AND UTILITY EASEMENTS UNLESS OTHERWISE SPECIFIED BY THE AGENT.

3. ALL EASEMENTS WHICH DO NOT FOLLOW PROPERTY LINES SHALL BE LOCATED BY A METES AND BOUNDS DESCRIPTION AND OTHER INFORMATION AS NECESSARY TO ACCURATELY LOCATE SUCH EASEMENTS.

4. ALL EASEMENTS WHICH FOLLOW DITCHES, SWALES, STREAMS, ETC., MAY BE DESIGNATED AS FOLLOWING THE CENTERLINE OF SUCH DITCH, SWALE, OR STREAM. THE OUTER BOUNDARIES OF THE EASEMENT SHALL BE SHOWN.

5. THE FULL NAME OF THE PROPERTY OWNER AS SHOWN ON THE OWNER’S DEED MUST BE PROVIDED. ALSO PROVIDE THE APPROPRIATE DEED REFERENCE ON THE PLAT.
### Evergreen Trees

**Botanical / Common Name**

<table>
<thead>
<tr>
<th>Height at Planting</th>
<th>Projected 10-Year Cover Area (square feet)</th>
<th>Minimum Planting Area (square feet)</th>
<th>Uses / Placement</th>
<th>Environmental Tolerances</th>
<th>Problems</th>
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<td>Parking Lot</td>
<td>Screening</td>
<td>Small Areas</td>
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<td>75</td>
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<tr>
<td></td>
<td>125</td>
<td>50</td>
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<td>X</td>
<td>X</td>
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<td>8’</td>
<td></td>
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<tr>
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<tr>
<td>10’</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

- **Cedrus deodora / Deodar Cedar**: 75 100 125 50 X
- **Chamaecyparis obtuse / Hinoki Cypress**: 75 100 125 50 X X X X X
- **Cunninghamia lanceolata / China Fir**: 75 100 125 50 X
- **Cupressocyparis Leyland / Leyland Cypress**: 75 100 125 50 X
- **Ilex ‘Nellie Stevens’ / Nellie Stevens Holly**: 75 100 125 50 X X X
- **Ilex opaca / American Holly**: 75 100 125 50 X X X
- **Ilex X attenuata / Foster’s Holly**: 75 100 125 50 X X X
- **Juniperus virginiana/ Eastern Red Cedar**: X X X X X X X
- **Juniperus chinensis ‘Kaizuka’ / Hollywood Juniper**: X X X X X
- **Magnolia grandiflora/ Southern Magnolia**: 125 150 175 90 X X
- **Magnolia grandiflora ‘Little Gem’ / Little Gem Magnolia**: 75 100 125 50 X X X X X X
- **Myrica cerifera/ Bayberry or Wax Myrtle (multi-trunk)**: X X X X X X X X
- **Pinus taeda / Loblolly Pine**: 150 200 250 130 X X X
- **Pinus thunbergiana/ Japanese Black Pine**: 60 80 100 50 X X X X X X
- **Quercus virginiana/ Live Oak**: X X
- **Thuja occidentalis / Arborvitae**: 75 100 125 50 X X X X X X
- **Thuja orientalis / Oriental Arbovitae**: 75 100 125 50 X X X X X X

This chart may be revised from time to time by the Zoning Administrator to add or delete species or to update other information based on consultation with the Cooperative Extension Agent and/or landscape professionals.
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<thead>
<tr>
<th>Botanical / Common Name</th>
<th>1.5”</th>
<th>2”</th>
<th>3”</th>
<th>Minimum Planting Area (square feet)</th>
<th>Uses / Placement</th>
<th>Environmental Tolerances</th>
<th>Problems</th>
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<td>60</td>
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<td>175</td>
<td>200</td>
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<td>175</td>
<td>200</td>
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<td>Lagerstroemia indica / Crape Myrtle</td>
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<td>175</td>
<td>200</td>
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<td>Magnolia stellata / Star Magnolia</td>
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<td>120</td>
<td>150</td>
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<td>Magnolia x soulangeana / Saucer Magnolia</td>
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<td>200</td>
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<td>175</td>
<td>200</td>
<td>100</td>
<td>X X X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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### Medium Deciduous Trees
(Up to 40 feet mature height)

<table>
<thead>
<tr>
<th>Botanical / Common Name</th>
<th>Caliper Size at Planting</th>
<th>Projected 10-Year Cover Area (square feet)</th>
<th>Minimum Planting Area (square feet)</th>
<th>Uses / Placement</th>
<th>Environmental Tolerances</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Parking Lot</td>
<td>General Use</td>
<td>Small Areas</td>
</tr>
<tr>
<td>1.5”</td>
<td>2”</td>
<td>3”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Betula nigra / River Birch</td>
<td></td>
<td>150</td>
<td>175</td>
<td>100</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ginkgo biloba / Ginkgo (male variety)</td>
<td></td>
<td>150</td>
<td>175</td>
<td>100</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Pyrus calleryana / Callery Pear</td>
<td></td>
<td>150</td>
<td>175</td>
<td>100</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Botanical / Common Name</th>
<th>Caliper Size at Planting</th>
<th>Projected 10-Year Cover Area (square feet)</th>
<th>Minimum Planting Area (square feet)</th>
<th>Uses / Placement</th>
<th>Environmental Tolerances</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Deciduous Trees (Over 50 feet mature height)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acer platanoides / Norway Maple</td>
<td></td>
<td>1.5” 2” 3”</td>
<td></td>
<td>X X X X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Acer rubrum / Red Maple</td>
<td></td>
<td></td>
<td></td>
<td>X X</td>
<td>X X X</td>
<td>X X</td>
</tr>
<tr>
<td>Acer saccharum / Sugar Maple</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Fraxinus pennsylvanica / Green Ash (Marshall’s Seedless)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Liquidambar styraciflua ‘Rotundiloba’/ Fruitless Sweetgum</td>
<td></td>
<td></td>
<td></td>
<td>X X</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Metasequoia glyptostroboides/ Dawn Redwood</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nyssa sylvatica/ Black Gum</td>
<td></td>
<td></td>
<td></td>
<td>X X</td>
<td>X X X</td>
<td>X</td>
</tr>
<tr>
<td>Platanus x acerifolia / London Planetree</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Quercus acutissima / Sawtooth Oak</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Quercus coccinea / Scarlet Oak</td>
<td></td>
<td></td>
<td></td>
<td>X X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Quercus phellos / Willow Oak</td>
<td></td>
<td></td>
<td></td>
<td>X X</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Taxodium distichum/ Baldcypress</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Tilia cordata / Littleleaf Linden</td>
<td></td>
<td></td>
<td></td>
<td>X X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Ulmus parvifolia / Chinese Elm</td>
<td></td>
<td></td>
<td></td>
<td>X X</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Zelkova serrata / Zelkova</td>
<td></td>
<td></td>
<td></td>
<td>X X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Evergreen Shrubs - Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ilex vomitoria ‘Nana’/ Dwarf Yaupon Holly</td>
</tr>
<tr>
<td>6</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Species Description</th>
<th>Size (ft)</th>
<th>Height (ft)</th>
<th>Width (ft)</th>
<th>Spacing (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ilex x aquipernyi/ Aquipern Hybrid Holly</td>
<td>16</td>
<td>6</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Juniperus chinensis/ Chinese Juniper</td>
<td>25</td>
<td>9</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Juniperus horizontalis/ Creeping Juniper</td>
<td>9</td>
<td>6</td>
<td>X X X</td>
<td>X</td>
</tr>
<tr>
<td>Juniperus procumbens/ Japanese Garden Juniper</td>
<td>9</td>
<td>6</td>
<td>X X X</td>
<td>X</td>
</tr>
<tr>
<td>Ligustrum lucidum</td>
<td>16</td>
<td>6</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Loropetalum chinense/ Chinese Fringeflower</td>
<td>16</td>
<td>6</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Mahonia bealei/ Leatherleaf Mahonia</td>
<td>16</td>
<td>6</td>
<td>X X X</td>
<td>X</td>
</tr>
<tr>
<td>Myrica cerifera/ Bayberry or Wax Myrtle</td>
<td>36</td>
<td>12</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Nandina domestica/ Nandina</td>
<td>25</td>
<td>9</td>
<td>X X</td>
<td>X X X</td>
</tr>
<tr>
<td>Osmanthus heterophyllus/ Holly Osmanthus</td>
<td>25</td>
<td>9</td>
<td>X X</td>
<td>X X X</td>
</tr>
<tr>
<td>Picea glauca/ Alberta Spruce</td>
<td>6</td>
<td>4</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Pieris japonica/ Japanese Pieris</td>
<td>9</td>
<td>6</td>
<td>X X</td>
<td>X X X</td>
</tr>
<tr>
<td>Pittosporum tobira/ Pittosporum</td>
<td>9</td>
<td>6</td>
<td>X X X</td>
<td>X X X</td>
</tr>
<tr>
<td>Prunus laurocerasus/ Cherry Laurel</td>
<td>25</td>
<td>9</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Prunus laurocerasus ‘Otto Luyken’/ Cherry Laurel</td>
<td>16</td>
<td>6</td>
<td>X X X</td>
<td>X</td>
</tr>
<tr>
<td>Pyracantha coccinea/ Pyracantha</td>
<td>25</td>
<td>9</td>
<td>X X</td>
<td>X X X</td>
</tr>
<tr>
<td>Raphiolepis indica/ Indian Hawthorn</td>
<td>9</td>
<td>6</td>
<td>X X X</td>
<td>X X</td>
</tr>
<tr>
<td>Rhododendron sp./ Azalea</td>
<td>16</td>
<td>6</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td>Rosa sp./ Shrub Rose</td>
<td>16</td>
<td>6</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Thuja occidentalis/ American Arborvitae</td>
<td>16</td>
<td>6</td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Viburnum tinus/ Laurustinus</td>
<td>16</td>
<td>6</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td>Yucca filamentosa or flaccida/ Yucca</td>
<td>6</td>
<td>4</td>
<td>X X X</td>
<td>X X</td>
</tr>
</tbody>
</table>

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Supplement 23

A-22
<table>
<thead>
<tr>
<th>Botanical / Common Name</th>
<th>Projected 10-Year Cover Area (square feet)</th>
<th>Minimum Planting Area (square feet)</th>
<th>Uses / Placement</th>
<th>Environmental Tolerances</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Parking Lot Screen</td>
<td>General Uses</td>
<td>Small Areas</td>
</tr>
<tr>
<td><strong>Deciduous Shrubs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>18”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Azalea calendulaceae / Flame Azalea</td>
<td>16</td>
<td>9</td>
<td>X</td>
<td>X   X</td>
<td>X</td>
</tr>
<tr>
<td>Azalea nudiflorum / Pinxter Bloom</td>
<td>16</td>
<td>9</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Berberis thunbergi / Japanese Barberry</td>
<td>25</td>
<td>12</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Buddleia davidii / Butterfly-Bush</td>
<td>25</td>
<td>12</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Chaenomeles lagenaria / Japanese Flowering Quince</td>
<td>25</td>
<td>12</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Clethra alnifolia / Sweet Pepperbush</td>
<td>25</td>
<td>12</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Cornus sericea / Redosier Dogwood</td>
<td>25</td>
<td>12</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Cotoneaster / Cotoneaster</td>
<td>16</td>
<td>9</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Deutzia gracilis / Slender Deutzia</td>
<td>9</td>
<td>4</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Euonymous alatus ‘Compacta’/ Burning Bush</td>
<td>25</td>
<td>12</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Forsythia intermedia / Forsythia</td>
<td>25</td>
<td>12</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Hamamelis mollis / Chinese Witch-Hazel</td>
<td>36</td>
<td>15</td>
<td>X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Hamamelis vernalis / Vernal Witch-Hazel</td>
<td>36</td>
<td>15</td>
<td>X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Hibiscus syriacus hybrids / Rose of Sharon</td>
<td>25</td>
<td>12</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hydrangea macrophylla / Bigleaf Hydrangea</td>
<td>16</td>
<td>9</td>
<td>X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Hydrangea quercifolia / Oakleaf Hydrangea</td>
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<td>9</td>
<td>X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Hypericum / St. Johnswort</td>
<td>9</td>
<td>4</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Ilex verticillata / Winter Berry</td>
<td>25</td>
<td>12</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Itea virginica/ Virginia Sweetspire</td>
<td>25</td>
<td>12</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Spiraea japonica/ Japanese Spirea</td>
<td>16</td>
<td>9</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Spiraea prunifolia / Double Bridal Wreath</td>
<td>25</td>
<td>12</td>
<td>X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Spiraea x bumalda/ Bumald Spirea</td>
<td>16</td>
<td>9</td>
<td>X X X X</td>
<td>X</td>
<td>X X</td>
</tr>
</tbody>
</table>

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### Deciduous Shrubs - Continued

<table>
<thead>
<tr>
<th>Plant Name</th>
<th>Height</th>
<th>Spread</th>
<th>Sunlight</th>
<th>Soil Type</th>
<th>Water Needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Viburnum carlesii / Koreanspice Viburnum</td>
<td>25</td>
<td>12</td>
<td>X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Viburnum plicatum / Doublelife Viburnum</td>
<td>36</td>
<td>15</td>
<td>X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Viburnum tinus/ Tinus Viburnum</td>
<td>25</td>
<td>12</td>
<td>X X</td>
<td>X</td>
<td>X X</td>
</tr>
<tr>
<td>Weigelia florida / Weigelia</td>
<td>25</td>
<td>12</td>
<td>X</td>
<td>X</td>
<td>X X</td>
</tr>
</tbody>
</table>

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### Perennials and Ornamental Grasses

<table>
<thead>
<tr>
<th>Botanical / Common Name</th>
<th>Projected 3-Year Cover Area (square feet)</th>
<th>Minimum Planting Area</th>
<th>Uses / Placement</th>
<th>Environmental Tolerances</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Parking Lot Screen</td>
<td>General Uses</td>
<td>Small Areas</td>
</tr>
<tr>
<td>1 gal.</td>
<td>S.F.</td>
<td>Height (feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perennials:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Achillea/ Yarrow</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Astilbe arendsi/ False Spirea</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Caryopteris x clandonensis/ Blue Mist Spirea</td>
<td>4</td>
<td>6</td>
<td>2</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Coreopsis grandiflora/ Coreopsis</td>
<td>2</td>
<td>4</td>
<td>1.5</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Coreopsis verticillata/ Coreopsis</td>
<td>2</td>
<td>4</td>
<td>1.5</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Dianthus gratianopolitanus ‘Baths Pink’/ Bath’s Cheddar Pink</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Dryopteris erythrosora/ Autumn Fern</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Echinacea purpurea/ Purple Coneflower</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Eupatorium/ Joe Pye Weed</td>
<td>4</td>
<td>6</td>
<td>5</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Gaillardia grandiflora/ Blanket Flower</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Heliopsis helianthoides/ False Sunflower</td>
<td>4</td>
<td>6</td>
<td>3</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hemerocallis/ Daylily</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hosta/ Hosta</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Iberis sempervirens/ Candytuft</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Iris ensata/ Japanese Iris</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Lavandula angustifolia/ Lavender</td>
<td>3</td>
<td>4</td>
<td>1.5</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Perovskia atriplicifolia/ Russian Sage</td>
<td>4</td>
<td>6</td>
<td>3</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Rudbeckia fulgida/ Black-eyed Susan</td>
<td>4</td>
<td>6</td>
<td>2.5</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Salvia x superba/ Perennial Salvia</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Perennials - Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scabiosa columbaria/ Pincushion Flower</td>
</tr>
<tr>
<td>Sedum spectabile ‘Autumn Joy’/ Autumn Joy Sedum</td>
</tr>
<tr>
<td>Stachys byzantina/ Lambs Ear</td>
</tr>
<tr>
<td>Verbena canadensis/ Verbena</td>
</tr>
<tr>
<td>Veronica spicata/ Speedwell</td>
</tr>
<tr>
<td>Veronica x ‘Sunny Border Blue’/ Veronica ‘Sunny Border Blue’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ornamental Grasses:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calamagroistis acutiflora/ Feather Reed Grass</td>
</tr>
<tr>
<td>Chasmanthium latifolium/ Northern Sea Oats</td>
</tr>
<tr>
<td>Cortaderia selloana/ Pampas Grass</td>
</tr>
<tr>
<td>Liriope muscari/ Liriope</td>
</tr>
<tr>
<td>Miscanthus sinensis / Maiden Grass</td>
</tr>
<tr>
<td>Miscanthus purpurascens/ Miscanthus</td>
</tr>
<tr>
<td>Muhlenbergia capillaris/ Pink Hair Grass</td>
</tr>
<tr>
<td>Ophiopogon japonicus</td>
</tr>
<tr>
<td>Panicum virgatum/ Switch Grass</td>
</tr>
<tr>
<td>Pennisetum alopecuroides/ Fountain Grass</td>
</tr>
<tr>
<td>Phalaris arundinacea/ Ribbon Grass</td>
</tr>
</tbody>
</table>

This chart may be revised from time to time by the Zoning Administrator to add or delete species or to update other information based on consultation with the Cooperative Extension Agent and/or landscape professionals.
MAP III-2
WATERSHED MANAGEMENT AND PROTECTION AREA
FIGURE V-1
SITE PLAN

NOTES

1. ITEMS 1-4, 8, 9, 11, 12 AND 14 MAY NOT BE RELOCATED ON THE DRAWING.
2. ITEMS 5, 6, 7, 10 AND 13 MAY BE REARRANGED, IF NECESSARY, TO ACCOMMODATE THE BODY OF THE SITE PLAN.
3. ARTICLE V OF THE ZONING ORDINANCE APPLIES TO THE PREPARATION AND SUBMISSION OF THE SITE PLANS.

<table>
<thead>
<tr>
<th>DRAWING COMPONENT</th>
<th>MINIMUM SIZES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Drawing Area</td>
</tr>
<tr>
<td>1. Title (and subdivision section, if applicable)</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Date</td>
<td>N/A</td>
</tr>
<tr>
<td>3. Surveyor/Engineer</td>
<td>N/A</td>
</tr>
<tr>
<td>4. Graphic Scale and Written Scale</td>
<td>N/A</td>
</tr>
<tr>
<td>5. Table of Statistical Data</td>
<td>N/A</td>
</tr>
<tr>
<td>6. Table of Land Use Data</td>
<td>N/A</td>
</tr>
<tr>
<td>7. Surveyor/Engineer Seal</td>
<td>N/A</td>
</tr>
<tr>
<td>8. Owner (and Subdivider)</td>
<td>N/A</td>
</tr>
<tr>
<td>9. Vicinity Map (1&quot; = 2000') (100mm = 2400m)</td>
<td>N/A</td>
</tr>
<tr>
<td>10. North Arrow and Basis</td>
<td>N/A</td>
</tr>
<tr>
<td>11. Center Tick Marks</td>
<td>N/A</td>
</tr>
<tr>
<td>12. Number of Sheets</td>
<td>N/A</td>
</tr>
<tr>
<td>13. Index of Sheets</td>
<td>N/A</td>
</tr>
<tr>
<td>14. Clear Area for County Use</td>
<td>N/A</td>
</tr>
</tbody>
</table>
SITE PLAN REVIEW/APPROVAL PROCESS

APPLICANT

Pre-Application Meeting

Submit Site Plan to Division of Plan Review and Implementation (10 folded copies)

SITE PLAN REVIEW

Submit Amended Plan (10 folded copies)

Public Safety Department
Health Department
Environmental Services Department
Virginia Department of Transportation
Department of Community Development
Other Agencies as Appropriate

Comments Submitted To Division of Plan Review and Implementation

Coordination and Review of Comments by Plan Review and Implementation

Preliminary Approval

Final Approval

Disapproval (Substantial Revisions Required)

Land Disturbing Activities Permit

Obtain Building Permits

Complete Construction

Certificate of Zoning Compliance AND Certificate of Occupancy
FIGURE VII-1
SIGN TYPES
FIGURE VIII-2
SIGN AREA – GROUND

\[
\text{AREA} = H \times (W1 + W2 + W3)
\]

\[
\text{AREA} = \left(\frac{1}{2}C\right) \times H
\]
FIGURE VII-3
SIGN AREA - WALL

LETTERS & SYMBOLS MOUNTED DIRECTLY ON BUILDING FACE.

ILLUMINATED SIGNBOARD
FIGURE VIII-1
ALTERNATIVE TURNAROUND DESIGNS

Note: These designs are provided for illustrative purposes as examples of the types of turnaround designs that may, but not necessarily shall, be considered acceptable as alternatives to conventional cul-de-sacs.
APPENDIX B

SAMPLE AGREEMENTS

NOTE

The following forms are samples only, and may need to be modified for particular projects. Legal counsel should be consulted if modifications are made to the samples, and before they are executed.
COOPERATIVE PARKING AGREEMENT

THIS AGREEMENT made and entered into this _____ day of __________, 20____, by and between
______________________, hereinafter referred to as the "Owner of the Primary Parcel(s),” and
_______________________, hereinafter referred to as the "Owner of the Secondary Parcel(s),” and York
County, Virginia:

WITNESSETH:

WHEREAS, the Owner of the Primary Parcel(s) certifies that he/she/it is/are the record owner(s) of
property identified as Official Tax Parcel(s) No. ___________ on the records of the Commissioner of the Revenue
of York County, and being the same property acquired by the Owner of the Primary Parcel(s) by instrument
recorded in the Clerk's Office of the Circuit Court of York County in Deed/Will Book _______, page _______, which
property is hereinafter referred to as the "Primary Parcel(s);" and

WHEREAS, the Owner of the Secondary Parcel(s) certifies that he/she/it is/are the record owner(s) of
property identified as Official Tax Parcel(s) No. ___________ on the records of the Commissioner of the Revenue
of York County, and being the same property acquired by the Owner of the Secondary Parcel(s) by instrument
recorded in the Clerk's Office of the Circuit Court of York County in Deed/Will Book _______, page _______, which
property is hereinafter referred to as the Secondary Parcel(s).

NOW, THEREFORE, for and in consideration of the approval of the County of a site plan for the Primary
Parcel(s) and the Secondary Parcel(s), and the mutual covenants herein, it is agreed by the parties that:

Pursuant to the terms of Section 24.1-602, York County Code, off-street parking space requirements for
the proposed use of the Primary Parcel(s) and the Secondary Parcel(s), are being satisfied through a cooperative
parking arrangement whereby provision of such required parking spaces, numbering _____________, on the
Primary Parcel(s) and numbering _____________, on the Secondary Parcel(s), the total of which satisfies the
parking requirements for both the Primary Parcel(s) and the Secondary Parcel(s).

The permanent availability of such parking spaces and associated pedestrian access routes for use on the
Secondary Parcel(s) in conjunction with the uses conducted on the Primary Parcel(s) and Secondary Parcel(s) has
been established by execution of an appropriate legal instrument, recorded in the Clerk's Office of the Circuit Court
of York County in Deed Book _____, page _______.

By the signature(s) on this statement, the Owner(s) of the Primary Parcel(s) and the Owner(s) of the
Secondary Parcel(s), do hereby acknowledge and agree that should the parking spaces that are the subject of this
Agreement become unavailable for use at some future time as a result of breach in the recorded instrument, or for
any other reason, that an equal number of parking spaces shall be constructed and provided either on the Primary
Parcel(s) or the Secondary Parcel(s) or through another off-site arrangement. Failure to provide or construct such
replacement parking spaces within ninety (90) days, weather permitting, shall be deemed a violation of the County's
Zoning Ordinance and shall be punishable in accordance with the penalties provided therein.

The responsibility of complying with these parking requirements shall run with title to the Primary Parcel(s)
and the Secondary Parcel(s), and shall not be affected by transfer by lease or of ownership, as long as the use of
the Primary Parcel(s) necessitates provision of off-site parking spaces to satisfy the
applicable parking standards specified by the Zoning Ordinance. A recorded statement executed by the County Administrator, indicating that all or a portion of such parking spaces are no longer required, shall be conclusive as to any release from the requirements of this Agreement by the County.

WITNESS the following signatures and seals:

OWNER OF PRIMARY PARCEL(S)

By: _________________________________
Title: _______________________________
(if signing for a corporation or a partnership)

OWNER OF SECONDARY PARCEL(S)

By: _________________________________
Title: _______________________________
(if signing for a corporation or a partnership)

COUNTY OF YORK, VIRGINIA

By: _________________________________
County Administrator

Approved as to form:

______________________________
County Attorney

COMMONWEALTH OF VIRGINIA

County of York, to-wit:

I, _________________________________, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that __________________________ whose name as the Owner of the Primary Parcel(s) is signed to the foregoing agreement bearing the date of the ___ day of _____________, 20___, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand the ___ day of _____________, 20___.

______________________________
Notary Public

My commission expires: __________________________
COMMONWEALTH OF VIRGINIA

County of York, to-wit:

I, _________________________________, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that _________________________________, whose name as the Owner of the Secondary Parcel(s) is signed to the foregoing agreement bearing the date of the ____ day of ______________, 20____, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand the _____ day of _________________, 20_____.

_____________________________________
Notary Public

My commission expires: _______________________________
COUNTY OF YORK

POSTPONED SIDEWALK AGREEMENT

THIS AGREEMENT made and entered into this _____ day of ____________, 20____, by and between York County, Virginia, hereinafter referred to as the "County" and _____________________________________, hereinafter referred to as "Owner" for improvements upon the following described real property located in the County of York, Virginia, hereinafter referred to as "the Property":

Legal description of Property:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________

WITNESSETH:

WHEREAS, pursuant to the Code of the County of York certain improvements may be required by the County as a requirement of site plan approval to promote and protect the safety and welfare of the citizens of the County; and

WHEREAS, the Owner desires approval of a site plan by the County for a project known as __________________________________ located upon the Property; and

WHEREAS, the Owner agrees that the sidewalks required by the County as a requirement for the site plan is a necessary and proper requirement to promote and protect the safety and welfare of the citizens of the County; and

WHEREAS, the Owner desires to defer the requirement of the construction of sidewalks as shown on the site plan submitted to the County for approval.

NOW, THEREFORE, in consideration of the deferral of the requirement to construct sidewalks prior to the issuance of a Certificate of Occupancy by the County and other good and valuable consideration, the receipt of which is hereby acknowledged, and the mutual covenants set forth hereinafter, the parties hereto do mutually agree as follows:

1. The County shall defer the requirement to build sidewalks on the Property as shown on the site plan entitled ______________________________________, prepared by ___________________________, dated ______________________ and required and approved pursuant to the Code of the County of York as a requisite for a Certificate of Occupancy.

2. This Agreement shall run with the title the Property and the Owner and any successor or assign thereof shall construct sidewalks as shown on the approved plans referenced above at such time as sidewalks (i) are constructed on any property adjacent to the Property, or (ii) when directed in writing by the County Administrator of the County or a designee thereof, which at any event will be no later than five (5) years after the date of this Agreement.
IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year above written.

OWNER(S):
_____________________________________
(Typed name)
By:__________________________________
(Signature)

_____________________________________
(Typed name)
By:__________________________________
(Signature)

COUNTY OF YORK, VIRGINIA
By:__________________________________
County Administrator

Approved as to form:
___________________________________
County Attorney

COMMONWEALTH OF VIRGINIA
County of York, to-wit:

I, _________________________________, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that ________________________, whose name as the Owner of the Primary Parcel(s) is signed to the foregoing agreement bearing the date of the ____ day of _______________, 20_____., has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand the _____ day of _________________, 20_____.

______________________________________
Notary Public

My commission expires: _______________________
COUNTY OF YORK

OFF SITE PARKING AGREEMENT

THIS AGREEMENT made and entered into this _____ day of __________, 20____, by and between __________________________, hereinafter referred to as the "Owner of the Primary Parcel(s)," and _______________________, hereinafter referred to as the "Owner of the Secondary Parcel(s)," and York County, Virginia:

WITNESSETH:

WHEREAS, the Owner of the Primary Parcel(s) certifies that he/she/it is/are the record owner(s) of property identified as Official Tax Parcel(s) No. ___________ on the records of the Commissioner of the Revenue of York County, and being the same property acquired by the Owner of the Primary Parcel(s) by instrument recorded in the Clerk's Office of the Circuit Court of York County in Deed/Will Book _______, page _______, which property is hereinafter referred to as the "Primary Parcel(s)"; and

WHEREAS, the Owner of the Secondary Parcel(s) certifies that he/she/it is/are the record owner(s) of property identified as Official Tax Parcel(s) No. ___________ on the records of the Commissioner of the Revenue of York County, and being the same property acquired by the Owner of the Secondary Parcel(s) by instrument recorded in the Clerk's Office of the Circuit Court of York County in Deed/Will Book _______, page _______, which property is hereinafter referred to as the "Secondary Parcel(s)."

NOW, THEREFORE, for and in consideration of the approval of the County of a site plan for the Primary Parcel(s), and the mutual covenants herein, it is agreed by the parties that:

Pursuant to the terms of Section 24.1-602, York County Code, off-street parking space requirements for the proposed use of the Primary Parcel(s), are being satisfied through provision of all or a portion of such required parking spaces, numbering _____________, on the Secondary Parcel(s).

The permanent availability of such parking spaces and associated pedestrian access routes for use on the Secondary Parcel in conjunction with the uses conducted on the Primary Parcel(s) has been established by execution of an appropriate legal instrument, recorded in the Clerk's Office of the Circuit Court of York County in Deed Book _____, page _______.

By the signature(s) on this statement, the Owner(s) of the Primary Parcel(s), do hereby acknowledge and agree that should the parking spaces on the Secondary Parcel become unavailable for use at some future time as a result of a breach in the recorded instrument, or for any other reason, that an equal number of parking spaces shall be constructed and provided either on the Primary Parcel(s) or through another off-site arrangement. Failure to provide or construct such replacement parking spaces within ninety (90) days, weather permitting, shall be deemed a violation of the County's Zoning Ordinance and shall be punishable in accordance with the penalties provided therein.

The responsibility of complying with these parking requirements shall run with title to the Primary Parcel(s) and the Secondary Parcel(s), and shall not be affected by transfer by lease or of ownership, as long as the use of the Primary Parcel(s) necessitates provision of off-site parking spaces to satisfy the applicable parking standards specified by the Zoning Ordinance. A recorded statement executed by the County Administrator, indicating that all or a portion of such parking spaces are no longer required, shall be conclusive as to any release from the requirements of this Agreement by the County.

Supplement 23

B - 7
WITNESS the following signatures and seals:

OWNER OF PRIMARY PARCEL(S)
By: _________________________________
Title: _______________________________
(if signing for a corporation or a partnership)

OWNER OF SECONDARY PARCEL(S)
By: _________________________________
Title: _______________________________
(if signing for a corporation or a partnership)

COUNTY OF YORK, VIRGINIA
By:_________________________________
County Administrator

Approved as to form:
___________________________________
County Attorney

COMMONWEALTH OF VIRGINIA
County of York, to-wit:

I, _________________________________, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that ________________________, whose name as the Owner of the Primary Parcel(s) is signed to the foregoing agreement bearing the date of the ____ day of _______________, 20____, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand the _____ day of _________________, 20_____.
____________________________________
Notary Public

My commission expires: _________________________

COMMONWEALTH OF VIRGINIA
County of York, to-wit:

I, _________________________________, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that ________________________, whose name as the Owner of the Secondary
Parcel(s) is signed to the foregoing agreement bearing the date of the ___ day of _______________, 20___, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand the ___ day of ________________, 20___.

_____________________________________
Notary Public

My commission expires: ____________________
THIS AGREEMENT made and entered into this ____ day of _____________________, 20___, by and between
_____________________________________________________________________________________, (list full
legal names of all owners of record, state of incorporation if incorporated, type of partnership if a partnership, or
marital status if individual) hereinafter referred to as the "Owner", and the COUNTY OF YORK, Virginia, a political
subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County": WITNESSETH:

WHEREAS, the Owner owns a certain parcel of land located in the County, hereinafter referred to as the
"Property", identified as ____________________________________; and

WHEREAS, the Property is being developed by the Owner in accordance with the site plan entitled
"________________________________________________" and approved by the County on
___________________, 20___; and

WHEREAS, because of weather-related conditions the paving of the required parking lot for the subject
development has not been completed; and

WHEREAS, the Owner has completed all other aspects of the development and, in accordance with §24.1-
609(D) of the Zoning Ordinance, desires to request a Certificate of Occupancy and to postpone the required paving
until favorable weather conditions allow it to be completed; and

WHEREAS, the Owner agrees to construct on or before the _____ day of ______________, 20___, the
required paving hereinafter referred to as the "Improvements," shown on the approved site plan; and

WHEREAS, the Owner has submitted to the County herewith (circle one of the following) sufficient letter of
credit, cash, or a certified check, in the amount of $________________, hereinafter referred to as the "Surety,
securing the timely construction and completion of the Improvements and performance of the terms and conditions
of this Agreement; and

WHEREAS, the County has agreed that it will approve the Certificate of Occupancy for the development
upon the execution of this Agreement and provided that all Code requirements have been met.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That, for and in consideration of the premises
and the covenants and agreements herein contained, the parties hereto agree as follows:

1. The County agrees that, upon proper execution of this Agreement by the Owner and receipt of the Surety
and fulfillment of all other Code requirements, it will approve the issuance of a Certificate of Occupancy. If the
Surety is a letter of credit, it must be in the form attached as Exhibit A and completed in accordance
with the instructions attached thereto, approved by the County Attorney as to form, content and issuing
institution, and acceptable as to amount, effective period, and otherwise to the County Administrator. Letters of credit shall be in effect for a minimum period of sixty (60) days beyond the date for completion of the Improvements.
2. The Owner agrees that the Owner will, without cost to the County, on or before the ______ day of __________, 20___, construct and complete the Improvements to the satisfaction of and to the standards and specifications indicated on the approved site plan.

3. The County may enter upon the Property to complete the Improvements and may draw on the Surety in the following events:
   a. The Owner fails to complete the Improvements by the date specified in paragraph 2 above.
   b. The Owner fails to complete by the date specified in paragraph 2 above the Improvements to the satisfaction of and to the standards and specifications indicated on the approved site plan.
   c. The insolvency of, appointment of a receiver for, or the filing of a voluntary or involuntary petition in bankruptcy against or by the Owner.
   d. The commencement of a foreclosure proceeding of a lien against the Property or its conveyance in lieu of foreclosure.
   e. Owner breaches any of the terms and conditions of this Agreement.

4. In the event that the County draws on the Surety, it may use such funds to complete the Improvements or cause them to be completed. The Owner shall be liable to the County for any and all costs of completing the Improvements which shall be in excess of the Surety. It is the purpose and intent of the parties that the amount of the Surety shall have been determined to be sufficient to defray not only the anticipated cost of completing or having completed the Improvements, but also unanticipated cost overruns, the cost incurred by the County in drawing on the Surety, and any and all other reasonable costs which the County has incurred or may conclude, in its sole discretion, are to be incurred.

The Owner acknowledges and agrees that the County is under no obligation to give any notice to the Owner of its intent to draw on the Surety in any of the events specified in this Agreement.

5. The County shall, upon drawing on the Surety, deposit the same in an interest-bearing account to the extent not needed to cover expenditures made or reasonably anticipated to be made in the near future, but the County shall have no responsibility to deposit or maintain any of such funds in an account at the maximum interest available. Upon completion of the Improvements, as determined by the County, and payment of all expenses incurred by the County in connection therewith, any unexpended funds, including any interest earned thereon, shall be returned to the Owner.

6. The County shall not be liable to the Owner or to any third party for the manner in which the Improvements are completed, any delay in effecting completion, the fact that the cost of completion is in excess of or less than the amount made available by drawing on the Surety or any part thereof, or that the County has drawn down the entire amount of the Surety even though it subsequently develops that the entire amount was not required to carry out the provisions of this Agreement.

7. The Owner acknowledges that the County is under no obligation to extend the time herein provided for completion of the Improvements by the Owner. However, in the event that the County unilaterally agrees in writing to do so, such writing shall, without more and without formal execution of any other agreement by the parties, constitute such an extension, and all of the terms of this Agreement shall continue in effect for the duration of such extension insofar as they are not inconsistent with the terms of the extension; provided, however, that no extension shall be effective until or unless the Owner furnishes to the County a new or amended Surety acceptable to the County if requested by the County. The County may require that the amount of the Surety be increased if an extension is provided.
8. It is mutually understood and agreed that if the Owner shall faithfully execute all requirements of this Agreement and all relevant laws and regulations, and shall indemnify, protect and save the County, its officers, agents and employees harmless from all loss, damage, expense or cost by reason of any claim made or suit or action instituted against the County, its officers, agents or employees on account of or in consequence of any breach on the part of the Owner, all of which the Owner hereby covenants to do, then the aforementioned Surety shall be released by the County to the Owner; provided, however, that release of the Surety shall not in any way or to any extent release, diminish or otherwise reduce any obligation or liability of the Owner provided in this Agreement.

9. This Agreement shall be binding upon the Owner and the Owner's successors and assigns.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals:

OWNER:
INDIVIDUAL OR INDIVIDUALS
________________________________(SEAL)
________________________________(SEAL)

CORPORATION
Attest:       By: _____________________________(SEAL)
President (Attach copy of corporate resolution authorizing execution)

PARTNERSHIP
By: ____________________________(SEAL)
General Partner

COUNTY OF YORK, Virginia
By: ___________________________
County Administrator

Approved as to form:

___________________________________
County Attorney

COMMONWEALTH OF VIRGINIA
County of York, to-wit:

I, _________________________________, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that ________________________, whose name as the Owner of the Primary Parcel(s) is
signed to the foregoing agreement bearing the date of the ___ day of ________________, 20___, has acknowledged the same before me in the jurisdiction aforesaid.

    Given under my hand the ____ day of ________________, 20____.

______________________________
Notary Public

My commission expires: ________________
DEVELOPMENT AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____________________, 20____, by and between ________________________________, (give full legal name or names, state of incorporation if incorporated, type of partnership if a partnership, or marital status if individual) hereinafter referred to as the "Developer," and the COUNTY OF YORK, Virginia, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County":

WITNESSETH:

WHEREAS, the Developer is the owner/developer (indicate which) of a certain parcel of land located in the County, bearing Assessor's Parcel Number(s) ____________ hereinafter referred to as the "Property"; and

WHEREAS, the Property is being developed by the Developer into a project known as "________________________________", and the Developer has caused a site plan, dated _______________, 20___, to be prepared by ___________________________________, which plan was approved by the County on _______________________, 20____; and

WHEREAS, the Developer agrees to construct in accordance with all County requirements on or before the _____ day of ____________, 20____, all physical improvements, hereinafter referred to as the "Improvements", shown on the above-described site plan, and such other plans and specifications for development of the project as have been approved by the County, all of which documents are on file in the County, are incorporated by reference, and are hereinafter collectively referred to as the "Plans"; and

WHEREAS, the Developer has submitted to the County herewith (circle one of the following) sufficient letter of credit, cash, or a certified check, in the amount of $________________, hereinafter referred to as the "Surety", securing the timely construction and completion of the Improvements and performance of the terms and conditions of this Agreement; and

WHEREAS, the County has agreed that it will issue building permits for the said development upon execution of this Agreement and submission to the County of the Surety.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the premises and the covenants and agreements herein contained, the parties hereto agree as follows:

1. The County agrees that, upon proper execution of this Agreement by the Developer and receipt of the Surety, it will issue building permits for the work to be undertaken pursuant to the Plans. If the Surety is a letter of credit, it must be in the form attached as Exhibit A and completed in conformance with the instructions attached thereto, approved by the County Attorney as to form, content and issuing institution, and acceptable as to amount, effective period, and otherwise to the County Administrator. Letters of credit shall be in effect for a minimum period of sixty (60) days beyond the date for completion of the Improvements.

2. The Developer agrees that the Developer will, without cost to the County, on or before the _____ day of ____________, 20____, construct and complete the Improvements to the satisfaction of and to the standards and specifications of the County and all other governmental agencies or authorities having jurisdiction over the Improvements, including, but without limitation, the Virginia Department of Transportation. Developer shall not occupy or permit to be occupied the Property until the Improvements are completed.
3. The County may enter upon the Property to complete the Improvements and may draw on the Surety in the following events:

a. The Developer fails to complete the Improvements by the date specified in paragraph 2 above.

b. The Developer fails to complete by the date specified in paragraph 2 above the Improvements to the satisfaction of and to the standards and specifications of the County and all other governmental agencies or authorities having jurisdiction over the Improvements, including but without limitation, the Virginia Department of Transportation.

c. The Developer fails to commence construction of the Improvements at least ____ days prior to the date specified in paragraph 2 above.

d. The insolvency of, appointment of a receiver for, or the filing of a voluntary or involuntary petition in bankruptcy against or by the Developer.

e. The commencement of a foreclosure proceeding of a lien against the Property or its conveyance in lieu of foreclosure.

f. Developer breaches any of the terms and conditions of this Agreement.

4. In the event that the County draws on the Surety, it may use such funds to complete the Improvements or cause them to be completed. The Developer shall be liable to the County for any and all costs of completing the Improvements which shall be in excess of the Surety. It is the purpose and intent of the parties that the amount of the Surety shall have been determined to be sufficient to defray not only the anticipated cost of completing or having completed the Improvements but also unanticipated cost overruns, the cost incurred by the County in drawing on the Surety, an administrative fee in the amount of $5,000.00, or five (5) percent of the amount of the cost of completing the Improvements, whichever sum is greater, and any and all other reasonable costs which the County has incurred or may conclude, in its sole discretion, are to be incurred. The Developer hereby acknowledges that an administrative fee in the above amount is reasonable compensation to the County for its costs in drawing on the Surety and, when necessary, causing the Improvements to be completed.

The Developer acknowledges and agrees that the County is under no obligation to give any notice to the Developer of its intent to draw on the Surety in any of the events specified in this Agreement.

5. The County shall, upon drawing on the Surety, deposit the same in an interest-bearing account to the extent not needed to cover expenditures made or reasonably anticipated to be made in the near future, but the County shall have no responsibility to deposit or maintain any of such funds in an account at the maximum interest available. Upon completion of the Improvements, as determined by the County, and payment of all expenses incurred by the County in connection therewith, any unexpended funds, including any interest earned thereon, shall be returned to the Developer.

6. The County shall not be liable to the Developer or to any third party for the manner in which the Improvements are completed, any delay in effecting completion, the fact that the cost of completion is in excess of or less than the amount made available by drawing on the Surety or any part thereof, or that the County has drawn down the entire amount of the Surety even though it subsequently develops that the entire amount was not required to carry out the provisions of this Agreement.
7. The Developer acknowledges that the County is under no obligation to extend the time herein provided for completion of the Improvements by the Developer. However, in the event that the County unilaterally agrees in writing to do so, such writing shall, without more and without formal execution of any other agreement by the County, constitute such an extension, and all of the terms of this Agreement shall continue in effect for the duration of such extension insofar as they are not inconsistent with the terms of the extension; provided however, that no extension shall be effective until or unless the Developer furnishes to the County a new or amended Surety acceptable to the County if requested by the County. The County may require that the amount of the Surety be increased if an extension is permitted.

8. It is mutually understood and agreed that if the Developer shall faithfully execute all requirements of this Agreement and all relevant laws and regulations, and shall indemnify, protect and save the County, its officers, agents and employees, harmless from and against all losses and damages to property, and bodily injury or death to any person or persons, which may arise out of or be caused by the construction, maintenance, presence or use of the streets, utilities and public easements required by, and shown on, the Plans until such time as the said streets, utilities and public easements shall be accepted as a part of the County's systems, or those of its agencies, or the State System of Secondary Highways, as the case may be.

9. The Developer does further hereby agree to indemnify, protect and save the County, its officers, agents, and employees harmless from and against all losses and physical damages to property, and bodily injury or death to any person or persons, which may arise out of or be caused by the construction, maintenance, presence or use of the streets, utilities and public easements required by, and shown on, the Plans until such time as the said streets, utilities and public easements shall be accepted as a part of the County's systems, or those of its agencies, or the State System of Secondary Highways, as the case may be.

10. It is mutually understood and agreed that approval of the Plans shall not, by such approval alone, be deemed to be an acceptance by the County or other applicable agency of any street, alley, public space, sewer or other physical improvements shown on the Plans for maintenance, repair or operation thereof, and that the Developer shall be fully responsible therefor and assume all of the risks and liabilities therefor, until such time as the County or other applicable agency has formally accepted them. Upon acceptance of any of the improvements to be dedicated to the County, Developer agrees to execute a maintenance and indemnifying bond, guaranteeing the materials and workmanship of the improvements for one year, which bond shall also be executed by corporate surety.

11. The Developer shall, with regard to any Improvement to be conveyed to the County or any agency thereof:
   a. When requested by the County, furnish the County permanent, blackline, reproducible "as built" drawings of such Improvement on 0.003 inch polyester film, in a form satisfactory to the County;
   and
   b. Notify the County prior to the conduct of any required test or final inspections of the Improvement;
   and
   c. Furnish, through Developer's engineer, test reports prepared by an independent testing laboratory in accordance with the ACI Code for any structural concrete installed in the subdivision, and furnish a manufacturer's certification that all pipe installed in the subdivision meets applicable ASTM specifications; and
   d. Be responsible for and bear all costs imposed upon the County by the Virginia Department of Transportation for inspections and/or testing of any roadway, drainageway or other facility shown on the Plans to be accepted by such Department.
12. This Agreement shall be binding upon the Developer and the Developer's successors and assigns.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals:

DEVELOPER:

INDIVIDUAL OR INDIVIDUALS
________________________________(SEAL)
________________________________(SEAL)

CORPORATION

Attest:

By: ____________________________ (SEAL)
President
(Attach copy of corporate resolution authorizing execution)

Secretary

PARTNERSHIP

By: ____________________________ (SEAL)
General Partner

COUNTY OF YORK, Virginia

By: ____________________________
County Administrator

Approved as to form:

___________________________________
County Attorney

COMMONWEALTH OF VIRGINIA

County of York, to-wit:

I, _________________________________, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that _________________________, whose name as the Owner of the Primary Parcel(s) is signed to the foregoing agreement bearing the date of the ____ day of ___________________ 20____, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand the _____ day of ___________________ 20____.

____________________________________
Notary Public

My commission expires: _________________________

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IRREVOCABLE LETTER OF CREDIT NO. (1)  

County of York  
c/o Mr. James O. McReynolds  
County Administrator  
P. O. Box 532  
Yorktown, Virginia 23690  

Re: ___________(3)_____________  

Gentlemen:

We hereby establish our Irrevocable Letter of Credit No. __(1)__ in your favor, for the account of  
__________(3)_________, available by your drafts drawn at sight on us up to the aggregate amount of  
_________(4)_____, each such draft accompanied by the following document:

Your written statement certifying that _____(3)_______ has defaulted in the performance of the terms and  
conditions of ____ (5) ____ Agreement with you, dated the ___(6)____ day of ___(6)___, 20___(6)__, and that you are, in  
consequence, entitled to the amount of the accompanying draft.

All drafts drawn under this letter of credit must be marked "Drawn under ___(7)___ Letter of Credit No.  
__(1)__ dated ___(2)___."

This credit is valid until _____(8)____ and drafts drawn hereunder, if accompanied by document as  
specified above, will be honored if presented on or before that date to _____(9)____ at____(10)____ or, if said  
bank is not doing business at that address, then to any other address or location of said bank or its successor.

Except as otherwise expressly stated herein, this credit is subject to the "Uniform Customs and Practice for  
Documentary Credits," fixed by International Chamber of Commerce Publication No. 400, 1983 revision.

Very truly yours,

__________________________  

By:_________________________
(1) Number assigned to letter of credit by bank.
(2) Date issued.
(3) Name of person, corporation, or partnership submitting letter of credit.
(4) Amount of letter of credit written in words and numerals; i.e., fifty thousand and no/100 dollars ($50,000.00).
(5) Insert "his," "her," "its" or "their," as appropriate.
(6) Date shown on agreement.
(7) Name of bank.
(8) Expiration date of letter of credit.
(9) Name and address of bank.
(10) Address of bank or branch thereof where letter of credit is to be presented. No letter of credit will be acceptable unless it may be presented at a bank office in the Hampton Roads or Richmond metropolitan areas.
(11) Signature of authorized officer of bank.
(12) Title of authorized officer of bank.
(13) Name of project.

(Ord. No. 08-17(R), 3/17/09)
THIS AGREEMENT made and entered into this the ____ day of ___________________, 20___, by and between ______________________, hereinafter referred to as the "Owner," and the COUNTY OF YORK, Virginia, hereinafter the "County":

WITNESSETH:

WHEREAS, the Owner certifies that he/she/it is the record owner(s) of land identified as Parcel(s) ______________ on the records of the Commissioner of the Revenue of York County, and being the same land acquired by the Owner as evidenced by ______________ (deed, will) duly recorded in the Clerk’s Office of the Circuit Court of York County in ________ Book _______, page ____, hereinafter referred to as the "Property."

NOW, THEREFORE, for and in consideration of the approval of the Owner’s site plan, and the mutual covenants herein, it is agreed by the parties hereto that:

Pursuant to the terms of § 24.1-255 or 24.1-606, York County Code, off-street parking space requirements for the Property are hereby waived to the extent that ____ of the ________ total required parking spaces need not be constructed prior to issuance of a Certificate of Occupancy.

The area which such spaces would otherwise occupy as shown on the approved site plan, dated ________________, shall be reserved for their future construction should the parking demand characteristics of the proposed or any other use, as determined by the Zoning Administrator, increase to the extent that the available spaces are no longer adequate. Monitoring and determination of the adequacy of the existing parking spaces shall be the responsibility of the Zoning Administrator. Upon determining that parking demand is in excess of the available supply of spaces, the Zoning Administrator shall order, in writing, the construction of such additional spaces, up to the minimum required by the County Code in effect on the date of this agreement, as are necessary to accommodate the demand. Failure to comply with the Zoning Administrator’s order to construct such area within sixty (60) days, weather permitting, shall be deemed a violation of the County Code and shall be punishable in accordance with the penalties prescribed therein.

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

WITNESS the following signatures and seals:

OWNER
COMMONWEALTH OF VIRGINIA
County of York, to-wit:

I, ________________, a Notary Public for the Commonwealth of Virginia at large, whose commission expires on the ___ day of ________, 20___, do hereby certify that ________________, whose name is signed to the foregoing agreement bearing date of the ___ day of ________, 20___, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand the ___ day of ____________, 20___.

________________________________
Notary Public

My Commission expires: ______________________
COUNTY OF YORK

DEED OF EASEMENT

THIS DEED OF EASEMENT made and entered into this _____ day of __________, 20__, by and between ______________, hereinafter referred to as "Landowner," and the County of York, Virginia, hereinafter referred to as "County:

WITNESSETH :

That for and in consideration of Ten Dollars ($10.00) cash in hand paid to the Landowner by the County and other good and valuable consideration, the receipt of which is hereby acknowledged, the Landowner does hereby grant and convey with General Warranty to the County and its successors and assigns forever the following property:

Exclusive permanent drainage and utility easements (the singular term "easement" when used hereinafter to include the plural if applicable) for the installation, maintenance, operation, and repair of drainage facilities and of utility lines, pipes, and facilities connected therewith, which easements are beneath, upon, and over strips of land, in varying widths, which are shown and designated on a certain plat, entitled "__________, COUNTY OF YORK, VIRGINIA," dated __________, and made by ____________, and to be recorded simultaneously herewith in the Clerk's Office of the Circuit Court of York County, Virginia, to which plat reference is hereby made for a more particular description of the easements hereby conveyed. Landowner further understands and agrees as follows:

1. All facilities, public works, and appurtenances which are installed in or on said property now or in the future by or for the County shall be and remain the property of the County and no charge shall at any time be made by the Landowner for the use of the property occupied by the County or for the privilege of constructing, maintaining and operating said facilities and the necessary or appropriate appurtenances.

2. The County and its agents and employees for the purpose of inspecting, maintaining or operating its facilities shall have the right and easement of ingress and egress over any lands of the Landowner adjacent to the described easement between any public or private roads and the described easement in such manner as shall occasion the least practicable damage and inconvenience to Landowner.

3. The County shall have the right to inspect, rebuild, repair, change, alter and install such additional or substitute lines or facilities within the easement herein granted as the County may from time to time deem advisable or expedient, and shall have such rights and privileges as may be reasonably necessary for the full enjoyment or use for any of the aforesaid purposes of the easement and rights herein granted.

4. The County shall have the right to trim, cut, and remove all trees, limbs, undergrowth, shrubbery, landscape plantings of any kind, fences, buildings, structures, paving, or other constructions or facilities within said easement which it deems in any way to interfere with the proper and efficient construction, operation, and maintenance of the facilities in or on said easement.

5. The County shall repair or replace only ground cover now on the said easement which may be disturbed, damaged, or removed as a result of the construction of any of the County's facilities, shall remove all trash and other debris of construction or repair from the easement, and shall restore the surface thereof to its original condition as nearly as reasonably possible, all subject, however, to this exception, to-wit: that the County shall not be so obligated when it would be inconsistent with the proper operation, maintenance or use of its facilities.

6. Landowner reserves the right to make use of the land subject to the rights herein granted, which use shall not be inconsistent with the rights herein conveyed or interfere with the use of the said easement by the County for the purposes aforesaid; provided, however, that all such use shall be at Landowner's risk unless

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prior written approval of County is obtained and provided further that this paragraph shall not apply to property conveyed in fee simple.

7. Whether or not the easement herein conveyed is exclusive, no other party shall be granted the right to use or shall use any part of the area within such easement for any purpose or in any manner until after a review and a finding by the County in writing that such use will not be in conflict with, or inconvenient to, the County’s use thereof or the purpose for which such easement was granted.

8. Nothing herein shall be deemed to prohibit the placement of structures including fences within the easement by property owners of the underlying fee without prior approval of the County; provided that any such improvements shall be placed at the risk of the property owner and the County shall have the right to remove any such improvements should they interfere with the rights granted the County herein; and further provided that any such improvements shall be in conformance with all other County ordinances.

9. Landowner has seen and carefully examined a copy of the hereinafter-described plat, is entirely familiar with the quantity of the land covered by this conveyance, and fully understands the effect that it will or might have on the value of the remaining property.

10. Any easement or right granted the County hereunder is intended to be and shall be usable by and for the benefit of the County as such and also any sanitary district, authority, or any other County agency or entity operated solely or partially for the benefit of the citizens of York County or any portion thereof, which such other agency or entity shall enjoy all of the privileges herein granted to the County as such.

11. The County may from time to time grant the right to others to locate facilities serving the public within the easement hereby conveyed, including but not limited to electric, telephone or gas utility facilities.

That this instrument covers all the agreements between the parties and no representations or statements, verbal or written, have been made which are inconsistent with the terms of this deed.

WITNESS the following signatures and seals:

By: ___________________________
Title: ________________________
COMMONWEALTH OF VIRGINIA
County of York, to-wit:

I, ______________________, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that
___________________________, whose name is signed to the foregoing deed, bearing date of the ___
day of ________, 20__, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand this ____ day of _________________, 20__.

_____________________________
Notary Public

My commission expires: _________________________________

Approved as to form:

_____________________________
County Attorney

The County of York, Virginia, acting by and through its County Administrator, he being thereto duly
authorized by Resolution No. R89-28, adopted by the York County Board of Supervisors on the 19th day of
January, 1989, does hereby accept the conveyance of the interest in real estate made by this deed.

COUNTY OF YORK, VIRGINIA

By: ______________________
County Administrator

COMMONWEALTH OF VIRGINIA
County of York, to-wit:

I, ______________________, a Notary Public for the Commonwealth of Virginia at large, do hereby
certify that James O. McReynolds, County Administrator, whose name is signed to the foregoing deed, bearing date
of the ___ day of _______________, 20__, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand this ____ day of _________________, 20__.

_____________________________
Notary Public

My commission expires: _________________________________

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